

THE AMERICAN

20¢ • OCTOBER 1970

# LEGION

MAGAZINE

## How to Relax Without Pills

The Controversy Over  
**HOW WE CHOOSE THE PRESIDENT**

•  
**THE NOBLEST RED MAN OF THEM ALL**

•  
**THE MESS IN OUR CRIMINAL COURTS**



**Barbers talk a lot.**

**Except when  
they find an  
electric shaver  
that outshaves  
a hand-honed  
straight razor.**

**Then they keep it to  
themselves. Until now!**



A barber gets \$1.50 plus tip for a shave with his electric razor. For years he's kept the brand name hidden with adhesive tape.

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Like a Barber's Fingers**

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152 Surgical Steel Edges**

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**Separate Trimmer Motor—  
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The American

# LEGION

Magazine

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# LETTERS TO THE EDITOR

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## KENT STATE HEARINGS

SIR: On behalf of the members and staff of the House Committee on Internal Security, I want to thank you for making such extensive use of our summation of 1969 student radicalism on the campus at Kent State ("The Background of the Tragedy at Kent State University," July). You have made a valuable contribution to the public's better understanding of the events which preceded what transpired there last spring.

The tragedy which occurred at Kent State University May 4 of this year cannot be viewed in proper perspective unless one understands what led up to it. Regrettably, far too few news accounts and postmortems have taken either the time or shown the interest in providing that perspective to the American people. It is to the Legion's great and lasting credit that you saw fit to do so.

Rep. RICHARD H. ICHORD, Chairman  
Committee on Internal Security  
House of Representatives  
Washington, D.C.

SIR: As news director of WKNT, the only commercial radio station in Kent, Ohio, and Portage County, let me thank your magazine for its feature story in the July 1970 issue titled, "The Background of the Tragedy at Kent State University." I have not seen a fairer, more complete and concise story of the background of events which led up to the shooting incident at KSU.

Being in news here at WKNT and a senior in Tele-communications at KSU, I can tell you that I personally have been involved in exposing the SDS activities since I started classes in the fall of 1967 upon my release from the Air Force. I have attended most of their meetings and have debated two of their leaders on a radio talk show. I have been to their rallies as a newsmen and even was locked inside of the building with the SDS leaders and campus police during the take-over of the Music and Speech building in April 1969.

Your background story on the SDS activities here at Kent State is the most accurate report I have seen. I personally know each of the former members of the SDS organization here. I saw the same faces during the sit-in of Nov. 13, 1968; again during the attempted take-over of the administration building Apr. 8, 1969; again during the Music and

Speech incident on Apr. 16 last year . . . and during the events which led to the shootings at Kent State on May 4, 1970.

Many say the group of KSU SDS'ers doesn't exist at the university. Of course not! The injunction and the school have barred SDS from meeting under their charter name. So, the hard-core SDS'ers reorganized under the name of Student Religious Liberals (SRL) and other splinter groups. Again, the same faces.

This SRL organization actively recruited students and non-students for the "cane-cutting" mission to Cuba. The recruitment campaign last December in the student union resulted in the trip to Cuba through Canada. Most of them returned in April before the riots.

SDS, SRL, Weathermen or whatever you want to call them are still here in Kent and are hiding behind the same laws which protect the very freedom that they are out to destroy.

I commend your staff for publishing the report on SDS activity at Kent. I wish more people could read the story or know about this organization. I only wish that the other news media, *en masse*, would take an objective look at what you have done, and at what the SDS really has done to fulfill its pledge: "Shut it (KSU) down." They said they would, they did!

As to where we go from here in Kent nobody knows, but it is known that many of the same faces I mentioned will be back this fall. Many in fact are going to summer school right now.

BOB CARPENTER  
WKNT News Director  
Kent, Ohio

## POLLUTION

SIR: Belated but sincere thanks for publishing "The Only Way Out of Pollution" (June), by Aaron Teller. It is a well-written, provocative look at the problem and some possible solutions. If more thinking were done about pollution (as Dr. Teller is doing) and less talking, we would be much better off. This is the type of article which should receive very wide circulation, especially in our schools, on all levels.

KENNETH KOWALD, Executive Sec'y  
Action for Clean Air Committee  
New York, N.Y.

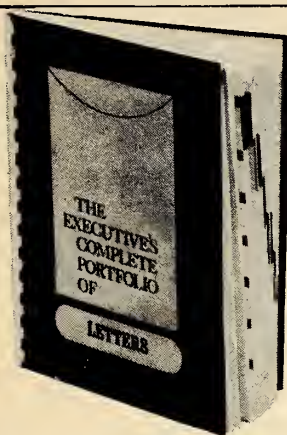
## AUTHOR SEEKS INFO

SIR: For an article for the Journal of the American Aviation Historical Society, I would like to contact former members of the 55th Fighter Group of the 8th Air Force who were associated with or have knowledge of a P-38H named "Vivacious Vera," which crashed in the village of Ludham in Dec. 1943. Would like to contact anyone who knew its pilot, Lt. Jimmie Gilbride.

MSGT MERLE OLMSTED, USAF (Ret.)  
American Aviation Historical Society  
3305 Cumberland Ave.  
Wichita Falls, Tex. 76309



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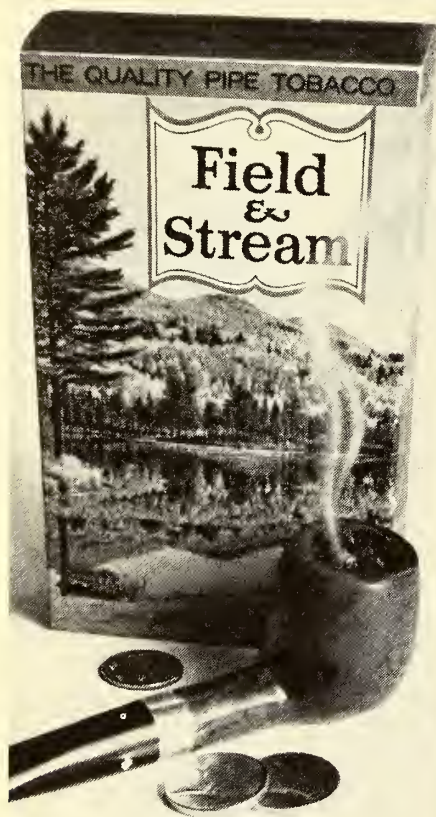
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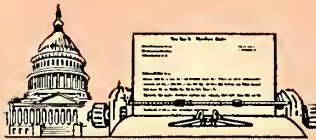
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## Dateline Washington . . .



## POPULATION OUTLOOK: YEAR 2,000 ADM. RICKOVER'S DEFENSE VIEW ANARCHISTS' TERRORIST ACTS

The American people's concern over the population explosion and the corresponding dramatic drop in the birth rate during the 1960's has forced the Census Bureau to revise downward its population prediction for the next 30 years.

The Census Bureau's new projections call for a population of between 266 million and 320 million by the year 2,000. Our current population is estimated at about 205 million. Three years ago, the population experts estimated that the United States would number between 283 million and 361 million by 2,000.

These projections may be academic inasmuch as Census Bureau officials cannot predict future attitudes toward family size and what effect liberalized abortion laws may have on the future growth of our nation.

The lowest current projection of 266 million for the year 2,000 is based on a birth rate of 2.11 children per woman for the next 30 years, which is the rate necessary to replace people who die.

Vice Admiral H. G. Rickover has painted a dim picture of our nation's defense posture in revealing that Russia has three times as many operational submarines and may already have surpassed the number of U.S. nuclear-powered underseas craft.

In heavily censored, recently released, testimony before the Joint Congressional Committee on Atomic Energy, the father of the U.S. nuclear-powered Navy said that "the Soviets are capable of starting tomorrow the biggest war there has ever been and I am frankly not confident the outcome of such a war would be in our favor."

Admiral Rickover told the committee that the U.S. Navy needs more atom-powered surface ships and submarines just to keep even with the Reds, but that budget cuts and government red tape are hampering the effort.

Today's anarchists utilize incendiary bombs, Molotov cocktails and the like three-to-one over other explosives, according to a recent Treasury Department study into incidents of violent terrorists' acts in the United States.

Ass't Treasury Sec'y Eugene T. Rossides told a Senate investigating committee that nearly 41,000 actual bombings, attempts or threats took place between Jan. 1, 1969, and April 15, 1970.

Law officers reported that 64% of the perpetrators of these terrorist acts were unknown. Of the known bombers, police said that 56% were attributed to campus disturbances; 19% to black extremists; 14% to white extremists; 2% to labor disputes; 8% to criminal activities and 1% to attacks on religious institutions.

Over the reporting period, bombings were responsible for the deaths of 42 people and \$21.8 million of property damage.



## LIFE IN THE OUTDOORS

# Outdoor Insurance

**A**S AN OUTDOORSMAN—golfer, camper, fisherman, hunter, etc.—you own equipment of considerable value. Take a minute to add up its replacement cost; the result might surprise you. Just a cartop boat, its outboard motor and accessories can reach \$1,000. Now suppose one or more of your items are stolen, destroyed in a fire, or lost in some other way, like dropping your expensive camera overboard, or closing a car door on your fishing rod. Would you consider it an act of fate and simply accept the loss? You wouldn't have to if you were covered by insurance. You might even be covered and not know it!

If you have a homeowner's or tenant's policy, you may be automatically covered against such loss (except theft) off-premises to a maximum of \$1,000, subject to the original deduction in the policy (i.e.: \$50 deductible, which means the insurance company will not pay you for the first \$50 of your loss). If your policy is an old one, you probably are covered for the same amount for theft, also. In some areas, such as New York City, new policies charge extra for theft. Your sports equipment covered, incidentally, need not be listed on your policy.

Complete coverage, however, is provided by a supplement you can obtain for your present homeowner's or tenant's policy, called a "sports floater." It will cover you for any loss anywhere in the world. In it you list all your equipment with the fullest descriptions possible: name, manufacturer, type, serial number if any, etc. Plus an estimate of the replacement cost of each. Not the original cost, because in the event of a loss the insurance company will pay only the depreciated value at the time of loss. You can pay a premium on \$350 for a shotgun that cost you that amount two years ago, but you'll be wasting money; the insurance company now figures it's a used gun worth about \$200, and that's all they give you.

The price of such a floater varies according to the insurance company's classification of the equipment. For example: for cameras the premium is about \$1.45 per \$100 of value per year. That means, for \$1,000 worth of camera equipment, you pay \$14.50 per year. For golf items, it's about \$2.50 per \$100 per year; this includes even your golf clothing, and things you leave in your locker. Other classifications vary between these two rates. Your insurance agent or broker can give you exact costs.

In spite of how well you're covered by insurance, try to stamp your name, and address if possible, indelibly on each item. It'll discourage theft, and if mislaid, it will speed its return to owner.

**WHEN WEARING** hunting boots in cold weather, especially the ones with rubber tops, put a pair of cotton socks on over your woolen ones, advises F. S. Millham

of Whitehall, Pa. They'll absorb perspiration that seeps through the wool, keeping it dry and your feet warm.

**A HEARING AID** is a great help to a hunter, even one with good ears, writes Mrs. Ed Larsen of Ludington, Mich. It's lightweight, amplifies sounds of deer walking, grouse clucking, etc. Make it directional by cupping your hands around it, like a horn. Buy a used one cheap from a dealer.

**CAMP** towel holder can be made from the plastic lid of a coffee can, suggests Mrs. Anton Vojacek of Oklahoma City. Cut out the center, leaving a short strip by which you nail the ring-shaped plastic to a tree. Run the towel through the ring and let it hang.

**INTERIORS** of pure styrofoam coolers are easily damaged by sharp objects, such as a large chunk of ice, even from pouring in ice cubes. They're apt to split, and leak. Ed Fisher, Jr., of Pompano Beach, Fla., solves the problem by lining the bottom and sides of his cooler with pieces of linoleum,

which reinforces and protects the vulnerable styrofoam.

**PLASTIC WORMS** are great fishgetters. To make them even more irresistible, tie a spinner ahead of the worm, says Jim Kurka of Fairfield, Iowa. The spinner is a real help in muddy or murky water.

**FRICTION STRIPS** from bookmatches are useful as fish hook sharpeners, reports Joe Hille of Burien, Washington. Keep several in your tackle box or fishing jacket pocket. They'll take off rust, too.

**FIRST AID** for sportsmen is offered by a new product called "Clean 'n Treat." They're disposable antiseptic pads, individually sealed in foil packages, and they contain a pain-killer as well as germ-killer. Useful for minor cuts, insect bites, burns, etc. Price: 20 for \$1 at your drugstore.

**MILK CARTONS** can be used for freezing small game and fish, suggests Mrs. Edward Larsen of Ludington, Michigan. Wash cartons thoroughly before inserting the meat or fish, fill with water then staple the top closed. Prevents drying out and freezer burn.

If you have a helpful idea for this feature send it in. If we can use it we'll pay you \$5.00. However, we cannot acknowledge, return, or enter into correspondence concerning contributions. Address: Outdoor Editor, The American Legion Magazine, 1345 Avenue of the Americas, New York, N.Y. 10019.

# TORA!TORA!TORA!

## "REMEMBER PEARL HARBOR!"

December 7th, 1941. No American has to be told what happened that day. It is a day seared into our memories. A day that followed a year of secret plotting, incredible treachery and false maneuvering by a government obsessed with destroying us.

The day the Japanese navy crept up to our shores and unleashed wave upon wave of death, destruction and chaos.

Eighteen mighty ships were damaged or sunk that fateful day. 2403 fighting men lost their lives that tragic day. And 132,000,000 outraged Americans rose in mass anger to express their shock and horror at the events of that singular, unforgettable day.

Now, that day has been recreated. All of it. And all the events that led up to it. From the very first secret plans that were drawn up by the Japanese nearly a year in advance to the last attack plane diving over Pearl Harbor.

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# Authentic.



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### PERSONAL

## WINTER FUEL CRISIS LOOMS SHEDDING LIGHT ON LIGHT BULBS WHITE-COLLAR SALARIES UP

You're going to be hearing a lot about an "energy crisis" this winter. What it means is that 1) every major fuel is in short supply, and 2) inconveniences of varying intensity could develop. Importantly, it also means **you probably will pay more to keep your home comfortable.**

It's all due to a complex chain reaction, which—in an oversimplified way—goes like this:

COAL, the big industrial fuel, is scarce for two reasons. One is that only certain types now may be used because of anti-pollution laws. Another reason is that mine safety rules have caused some production interruptions.

OIL has come under pressure because many coal users are trying to switch to low-sulphur grades of that fuel. What further complicates the oil situation is a shortage of tankers, plus production cutbacks abroad.

NATURAL GAS, noted as a "clean fuel," is in tight supply because everybody is begging for it.

In short, this industrial "ring-around-the-rosy" is sure to affect the homeowner's pocketbook adversely. Not only are the prices of the fuels themselves going up, **but they're pulling the rates for electricity up, too.**

★ ★ ★

The Federal Trade Commission thinks consumers are pretty much in the dark when they buy light bulbs. So it has worked up a **stricter set of regulations governing the labeling and advertising of electric lamps**, effective next January. Here's why:

Most people buy light bulbs on the basis of wattage, which they think is the equivalent of light output. Moreover, most believe that all bulbs of the same wattage give out the same amount of light. Not so. **You have to take the rated life of the lamp into consideration, too.** For example: If one 100-watt lamp is built to last 750 hrs. and another 1,500 hrs., the longer-life one will yield maybe 10% less light.

So the new rules—covering lamps in the 15-through 150-watt spectrum—say a manufacturer must tell you:

- The lamp's **wattage**, or power consumption.
- Its **light output**, or "lumens" (these numbers will run from around 100 to over 2,000).
- Its **average life in hours.**

This puts the buyer in the position of figuring out a four-way parlay based on bulb price, power consumption, lumens and life—something few probably will attempt. A simpler method: **If you need a bright light for sewing, reading, etc., buy a lot of lumens** and don't get too excited about the bulb's life; conversely, **if the bulb will be in an inconvenient location (ceiling, chandelier, etc.) buy long life** and don't worry about lumens.

★ ★ ★

While the unions have been making the headlines with their spectacular wage gains (about 8%), **white-collar workers quietly have been doing almost as well.** Bureau of Labor Statistics samples indicate increases in this sector are in the **5% to 8% range.**

To give you an idea: On a straight time basis alone, a top secretary now gets \$130 to \$175 a week, depending on type of firm and location. Well-qualified secretaries draw \$115 to \$150. Typists, \$90 to \$110. File clerks, \$95 to \$115. Experienced keypunch operators, \$110 to \$130.

In fields requiring more formal disciplines and training, the going rates shape up this way:

Nurses (registered), \$140. Computer operators, \$155 to \$175. Computer programmers, \$175 to \$200. Computer systems analysts, \$250 or better.

**Guesses are that this general trend will continue.** The demand for many types of white-collar workers remains high, and employee turnover is rapid (the Administrative Management Society says it was 26% in 1969).

**By Edgar A. Grunwald**



## THE CONTROVERSY OVER

# How We Choose the President

The popular proposal to scrap the electoral system, now before the Senate, is giving some experts second thoughts.

By **ALBERT L. WEEKS**

**A** GROWING number of Americans—officials and ordinary folks—are hoping quite soon to scrap the electoral system whereby we choose our Presidents, and switch to the direct election of the President by popular vote under a proposed 26th Amendment to the Constitution.

Under the electoral system, which has been in effect since the Constitution was adopted, each state gets as many electoral votes as it has Representatives and Senators.

Arizona, for instance, has had five electoral votes to match its three Representatives and two Senators. New York has had 43 to match its 41 Representatives and two Senators.

The candidate who wins a state gets all its electoral votes in the normal run of things. Thus, in 1968, Mr. Nixon won all five of Arizona's electoral votes because he carried the state. He got 266,721 votes there to Hubert Humphrey's 170,514 and George Wallace's 46,573.

Failing to carry Arizona, Humphrey's and Wallace's votes there went for naught.

Meanwhile, Humphrey got all of Connecticut's eight electoral votes because he carried the state, while Nixon's and Wallace's popular votes went for nothing there.

Likewise, Wallace got all of Alabama's ten electoral votes by carrying the state,

while Nixon's and Humphrey's votes there went for nothing.

By the same token, the winner of a state gets no advantage from those votes that he gets that are more than the one needed to beat his closest opponent.

Thus, in Arizona, not only did Humphrey get no advantage from 170,514 votes and Wallace none from 46,573 votes in a losing cause, but Nixon reaped no advantage from the 96,206 votes that were more than he needed to take Arizona's five electoral votes.

Mr. Nixon won the 1968 election because, in December, electors in states he won cast 301 of their votes for Nixon to Humphrey's 191 and Wallace's 46. If we had by then switched to letting the nationwide popular vote decide the issue, instead of the electoral vote, Mr. Nixon would have won because he got 31,783,783 popular votes to Humphrey's 31,271,839 and Wallace's 9,899,557. Meanwhile, the losers' votes and the winner's excess would still have counted for nothing.

In all our history, the electoral system has tended to even things out as far as the end results are concerned.

Just once, in 1888, a candidate came out a loser on Election Day after pulling the most votes. Grover Cleveland got about 97,000 votes more than Benjamin Harrison, out of a total of nearly 11 million votes cast. Cleveland had too many wasted votes in states he carried handily, and Harrison won enough of

the close ones to command a 233 to 169 electoral margin.

In 1877, four months after the 1876 elections, a special commission gave that contest to Rutherford B. Hayes over Samuel Tilden. It awarded 22 disputed electoral votes in four states to Hayes, though Tilden had the larger popular vote in the disputed election.

Twice—in 1800 and 1824—the election was decided in the House of Representatives. That happens when no candidate gets a majority of the electoral votes, and the House may choose from among the three leading candidates.

The House picked Thomas Jefferson over Aaron Burr in 1800, when they ended up in an electoral tie with 73 votes apiece.

It was a four-way race in 1824. Henry Clay and William Crawford pulled enough electoral votes to deny a majority for any candidate, or a majority of the popular vote for that matter. The leaders were Andrew Jackson and John Quincy Adams and the House picked Adams.

Except for 1800, 1824, 1876 and 1888, every national election in our history would have gone the same way under the proposed 26th Amendment as it went under the electoral college. What would have happened under the proposed 26th Amendment in 1876, when the votes of four states were disputed, is not clear. That election should be stricken in any comparison of the two sys-



## The Controversy Over How We Choose the President

tems. Meanwhile, in 1860, the 26th Amendment would have required a run-off election between Abe Lincoln and Stephen Douglas—which it calls for if no candidate has 40% of the popular vote.

On the surface, at least, it seems rather odd that we are rapidly moving today toward radical changes in a system that has worked exactly as well as the proposed new system would have worked in every election since 1888, as the votes were actually cast, and better in 1860.

Yet a proposed 26th Amendment, to scrap the electoral system and switch to the election of the President by popular vote, is moving ahead so fast that it could possibly be in effect by the time of the next Presidential election on Nov. 7, 1972.

In a recent public opinion poll, four-fifths of those interviewed favored direct election of the President, considerably more than in earlier polls.

Last fall, the proposed amendment passed the House of Representatives by 339 to 70. That was 66 more votes than the necessary two-thirds. The Senate now has it and may or may not produce the two-thirds needed for its approval. If it does, the legislatures of 38 states (or three-quarters of them) would have to OK it.

A few months ago, the New York Times estimated that 30 states are already "certain or likely" to approve it, six are "undecided," while the other 14 are "leaning toward opposition" or "solidly against." If this estimate sticks, the 26th Amendment would fail, but by the same token a switch of eight states into the "approve" column would give us a new Presidential election system and open a new chapter in the political history of this country.

It it does not seem, *offhand*, that there is any need to rush into an amendment that deals with a problem that hasn't caused any trouble in 82 years, neither does there seem, *offhand*, to be any reason to object to it.

The one result that is certain is widely applauded on general principles. Sen. Birch Bayh, of Indiana, a chief sponsor of the proposed 26th Amendment, puts it this way: "Under direct election the unit of voting is the individual vote. Each vote would count the same regardless of where it is cast."

Nobody taking a quick look would object to letting every voter's vote count equally, so there's small wonder that



there's broad support for the amendment.

Yet it is controversial, and the controversy doesn't follow straight political lines. In general, Bayh's amendment is a Democratic and liberal proposal. But there are some liberals and Democrats who are scared to death of it, and there is division in Republican ranks, too. We find liberal Democrat Hubert Humphrey and conservative Republican Barry Goldwater against it, and we find Republican President Richard Nixon in favor of it. This is an odd kettle of fish and it tells the average guy that there's more to the proposal than meets the eye. What is Nixon doing supporting a Democrat-liberal idea? What is Humphrey doing opposing it?

One thing this means is that a lot of

knowledgeable politicians are unsure, or at odds with one another, in their estimates of what the actual effects on national politics, and on the nation itself, are going to be if we go ahead with the 26th Amendment.

The fact is that nobody knows what its effect on the nation would be and there are a lot of possibilities, some of them quite serious.

Making everybody's vote count is one thing. But shaking up a system to which more things have been tied since 1789 than anyone can put his finger on is quite another.

A widespread fear is that abandoning the electoral system will destroy our two-party structure and encourage the growth of third, fourth and even fifth





Confusion at 1968 Democratic Convention. Some fear that direct vote would encourage splinter groups to wreck two-party system by amassing votes without carrying states.

UPI



Indiana Sen. Birch Bayh, leading proponent of 26th Amendment.

UPI



George Wallace of Alabama. His 1968 third-party race called attention to electoral weaknesses.

parties. If true, we have the spectre of recent events in France to haunt us, as well as our own election of 1824 when third and fourth parties forced the election into the House. France was fractioned into so many political parties after WW2 that she collapsed into a state where government was impossible. As France slipped into total chaos, the French decided that virtual dictatorship was better than democracy carried to such an excess that the national voice was a modern Babel. De Gaulle was invited out of retirement to write a brand new constitution, giving him all the

powers he asked—which were plenty. Only this stroke saved France from total anarchy.

Some “experts” say that the 26th Amendment would encourage splinter parties here, some say it won’t.

There are *no* experts on this subject. None of them know for sure, while some persuasive facts suggest that it would invite the growth of splinter parties.

The 26th Amendment, as proposed, has a good deal more to it than simply electing the President by popular vote. It has special provisions and broad im-

plications that go very far beyond that.

For instance, it would give the federal government what Senator Bayh calls “reserve power” to require the names of candidates to be placed on state ballots, a power now reserved to the states. This is probably an attempt to prevent by law what the Democrats in Mississippi and Alabama did in 1960. They bolted the national convention when their delegates were asked to sign a loyalty oath to support the eventual candidate before being seated, and then both states elected “unpledged Democrat” electors—meaning that they were not pledged to party candidate John F. Kennedy. In December 1960, the Mississippi and Alabama electors cast their 14 electoral votes for Sen. Harry F. Byrd, of Virginia. It did not affect the result.

One can only suppose that, under the 26th Amendment, the two states would have been required to place Kennedy’s name on the ballot. The trouble with putting such a measure in the Constitution (and I think it is a trouble) is that it would become a permanent principle that majorities in the two national parties could solve the problem of dissident minorities in their ranks the easy way—forcing states by law to accept majority party decisions without their delegations participating in them.

The trouble in 1960 centered on the unwillingness of the two states to accept the civil rights plank they could see coming at the convention. But if it becomes a general principle of law that states must accept the candidates (and hence the platforms) of the conventions, who knows what other issues will yet be dictated by majorities in the parties without full state representation or any attempt to compromise?

Such raw majority power in the national parties, enforced by law, could well destroy the chief value of the two-party system. Virtually every student of the two-party system agrees that its chief value is that the major parties achieve compromises that bring conflicting interests together and tend to maintain our celebrated political stability.

If I were a Republican politician viewing this question purely for political advantage, I would endorse it for the private reason that I am convinced that it will tend to destroy the Democrats, though I’d find some nobler publicly stated reason for my endorsement.

The Democrats are much more an amalgam of smaller, diverse groups than are the Republicans. I would expect the Democrats to divide into two or more *permanent* lesser parties, if their smaller diverse elements lose their present say about whose name goes on the ballot back home. Once the Constitution tells them that their states have to go along with the majority of the party even if they don’t attend the convention, their



reasons to remain in the party will decline.

I would expect an acceleration of 1968 events, with dissident Democrats joining ranks behind candidates such as George Wallace and his American Independent Party. Later, I would expect other dissident Democrats who couldn't accept Wallace's party to form yet a fourth party. Who cannot still hear Eugene McCarthy's followers and others clamoring against the majority at the 1968 Democratic Convention?

The more conservative of the new parties splitting off from the Democrats would probably attract Republican voters too, which is all the more encouragement for them to form. Wallace got most of his popular votes outside the South and the "Border States" in 1968, and I suspect most of these were Republicans. But if I were a Republican politician I'd accept that loss, believing that the Democrats would suffer more. I would further expect that once third and fourth parties had formed permanently around protest Presidential candidates they would start running candidates for Congress and gradually pick up seats. For the fairly immediate future I would expect that they would eat into the Democratic majorities in Congress and probably establish an era of Republican plurality there.

Not being any sort of a politician, I find myself in the same bipartisan bed with Humphrey and Goldwater. I have no reason to cheer the splintering of either party. I will be uneasy about the future of the country if even this much of the proposed 26th Amendment becomes law. Political splintering is admitted on all sides to lead toward national chaos.

Certainly, this is a question which ought to be considered separately from the "simple" proposition that we should elect the President by popular vote rather than electoral vote.

The next thing we find, when examining the proposed 26th Amendment, is that even the proposition to elect the President by popular vote is nowhere near as "simple" as it seems.

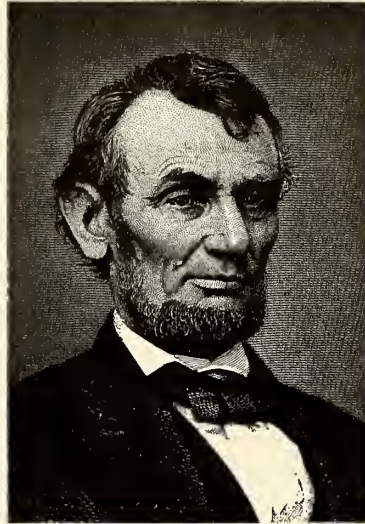
The electoral system has been called old, archaic, obsolete, a relic of a by-gone era . . . etc. It is all of that. But of course what counts is not what names you can call the old system, but what the actual effect of the proposed substitute will be. I had an old car once which I finally called by every unkind name in the book. I bought a new car that gave me so much more trouble that I wished I'd kept the old one and repaired it.

When we look at the claims for the proposed 26th Amendment it seems, time and again, that it won't correct the

weaknesses of the electoral system, while keeping the electoral system and repairing it will.

The resort to the popular vote invites possible complications that are not clearly seen at a glance. Further, there is buried in the proposition another matter that's not obvious at a glance. That is a

CULVER PICTURES



In 1860, Lincoln would have faced a runoff election under the proposed 26th Amendment.

proposal to deny the smaller states a little extra weight in Presidential elections. They were given some extra pull as part of the deal when they surrendered sovereignty to the federal government by ratifying the Constitution.

Here are some of the chief arguments in favor of electing the President by popular vote:

1. It will let every voter's vote count equally.
2. It will, as a natural result, give the states equal weight in the Presidential elections according to their populations.
3. It will tend to check splinter parties. (It is not exactly a secret that the proposed 26th Amendment is being pushed rapidly in the belief that if we have it by 1972 it will weaken George Wallace's American Independent Party.)

Other advantages advanced are that:

- It would prevent for all time the throwing of an election into the House of Representatives. (It would.)
- It is desirable (and harmless) to put an end to the practice of a candidate getting all of a state's votes if he carries the state. (This is uncertain.)
- It would make the politicians pay more attention to the small states and cities than they do now, because every vote will count no matter where it is. (If every vote would count, wouldn't candidates concentrate just as much on the eight states with a majority of voters as they do now on the 12 states with

a majority of the electoral vote?)

Let's take a closer look at some of these advantages.

#### 1. Every voter's vote would count.

This is true in the sense that each voter's vote in Alaska would be equal to each voter's vote in California in determining the result under the 26th Amendment, whereas in the electoral system, Alaska and all small states were purposely given more weight than the larger states in proportion to their population.

As it is, Alaska has had three electoral votes and California 40, which is disproportionately strong for Alaska. Under the popular voting system, as we'll see, California would gain disproportionate strength over Alaska. Which leads us to advantage number two.

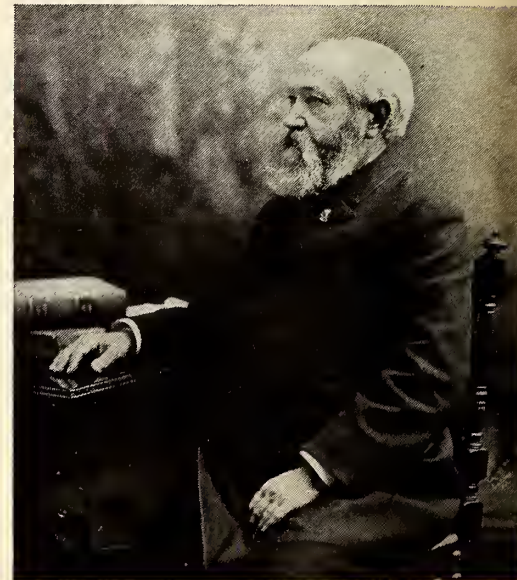
#### 2. The states will get equal weight in the Presidential elections according to their populations.

This raises two questions: (a) do we want to accomplish that? and (b) will the 26th Amendment achieve it?

Here's how our electoral system gives a little state more proportionate electoral strength than a big one:

First, it has at least one Representative (for which it gets one electoral vote), even if its population is not as big as a Congressional District electing one Representative in a larger state.

CULVER PICTURES



Benjamin Harrison

Harrison got a majority of the electoral votes in the 1888 election, though Cleveland received

Thus, its very first electoral vote, based on population, may represent fewer people than the electoral votes granted for Representatives in larger states. This is true if the state has just one Representative. It applies to five state electoral votes—one each in the states with the



minimum of three votes: Alaska, Delaware, Nevada, Vermont and Wyoming.

Second, each state gets an electoral vote for each of two Senators. In Alaska, these two electoral votes to match her Senators triple her electoral strength, by adding two votes to the one for her Representative. In California, the two electoral votes for two Senators only add 1/19th to the electoral strength California has been getting for her 38 Representatives.

The effect of giving all states two votes to match two Senators is something like cutting seven footers down to six feet ten in contests with three-footers, who are built up to three feet two inches tall. The imbalance in favor of the little guys is never as great as two full electoral votes.

As we know, this disparity in slight favor of small states was given them deliberately when the Constitution was written. When each state gave up equal sovereignty to the federal government, the little ones were actually losing sovereignty to the larger ones, who would have the most to say about running the federal government. So this bone was tossed to the little fellows.

Thus, one of the things that's more than meets the eye in the 26th Amendment is that it contains a proposition to go back on a promise to small states that was given them when they ratified the Constitution. The question is separate from that of improving the election ma-

CULVER PICTURES



Grover Cleveland

more popular votes. This is the only time that that has happened.

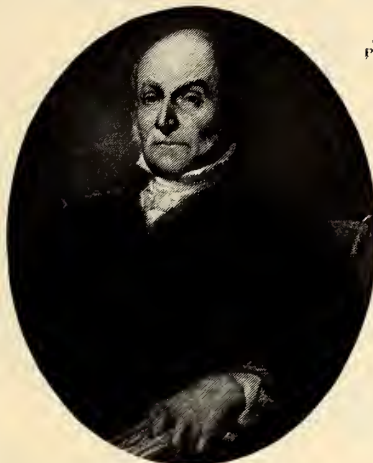
chinery, but it's part of the package.

Of course, we can decide that we do want to cut the little states down smaller, and if 38 states ratify the 26th Amendment some of them will be states that are going to lose relative strength in choosing the President. Even Illinois, with its 10-

million-plus population, will lose relative strength to California and New York.

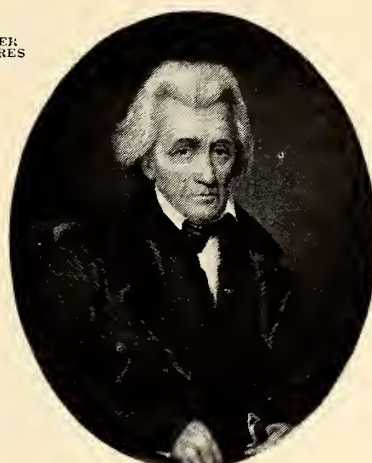
But the funny thing is that the 26th Amendment will *not* give the states strength in choosing the President that is in proportion to their populations. Instead of equalizing their citizens, it will make an ever-changing crazy quilt of new inequalities among states of all sizes.

From election to election, as well as



John Adams

CULVER PICTURES



Andrew Jackson

Neither man got a majority of electoral votes in 1824, so the election went to the House, which chose Adams, though Jackson had more popular votes.

from state to state, the percentage of people who turn out to vote in the different states varies. The 26th Amendment would weigh the states in proportion to *how many people vote*, not according to their populations.

That's obvious. If twice as many people vote in state "A" as in state "B" in 1972, state "A" will exercise twice as much Presidential election power, even if its population is less than twice that of state "B."

In 1968, Alaska would not have been reduced to person-to-person equality with California if the popular vote decided. She would have sunk below that level, since 46.2% of all Californians voted and 36.7% of all Alaskans voted.

These two states are often compared to show the present excess of relative power held by little (population-wise) Alaska over big California, and to dramatize the desirability of balancing their strength according to population. Under the 1960 census California had 69.5 times the population of Alaska. But in the 1968 election California would have had 87.3 times Alaska's Presidential voting power under the popular voting method because she had a better turnout at the polls. California cast just about ten more votes for every 100 people than Alaska. Once California had matched 69.5 Alaskas, as her population might have merited, she proceeded to vote 17.8 more Alaskas that her population didn't merit.

This is a good comparison. California

would probably always have a similar unequal bulge in Presidential voting strength over Alaska under the 26th Amendment as now proposed. It is hard winter in Alaska in November, where distances to polling places are greater on the average for each citizen. It is apt to be sunny and pleasant in California in November, while in its big cities it is seldom more than a few blocks stroll to a voting booth.

The chances are that California will always turn out a bigger percentage of its voters than Alaska. Thus, under the 26th Amendment, she would permanently become more powerful in Presidential elections—on a citizen-by-citizen basis as well as on her huge total vote basis. The seven-foot giant would be increased to seven feet two inches and the three-foot midget shrunk to two feet ten inches in the name of equality.

There are even greater disparities. In 1968, Connecticut more than doubled the District of Columbia's election power on a citizen-to-citizen basis, when 50% of her population voted compared to D.C.'s 22.3%. That would have made 20 Connecticuters equal 44 District residents if the popular vote elected the President. As D.C. is a federal district, the criticisms of states holding down the voting of minority groups don't apply in this comparison.

In the 1964 and 1968 turnouts it is hard to find any two states that voted on an equal basis, population-wise, and there were fluctuations from 1964 to 1968 in the same states. Thus, instead of "equalizing" the power of the states according to their populations, the 26th Amendment would bring on inequalities that would change from state to state and election to election in ways that are totally unpredictable. A November blizzard in Wyoming while the sun shone in New York could decide that New York would outweigh Wyoming.

(Continued on page 42)



# How to Relax Without Pills

By LEAVITT A. KNIGHT, Jr.

**H**ARDLY ANYONE—loaded with the stimulations of the day—can hop into bed at night and drop into a complete state of rest. Unidentified devils inside may keep right on working. Sleep may come fitfully or be all but impossible unless we can turn off whatever it is inside us that doesn't want to call it a day.

There is a difference between lying down and resting—as if you didn't know. But surely experts have long known what the difference is. Or have they?

In 1908, a 20-year-old Chicago science student named Edmund Jacobson asked himself what rest and relaxation were. When he went looking for expert answers he didn't find any. The technical papers were full of conflicting theories

Here's a simple, learnable skill that can make you the master of your tensions.

Human doctors had always ordered rest for most known afflictions. It was "common sense" to go to bed if one were ill, and it usually worked better than not going to bed. For many illnesses, rest is still the only known treatment.

Every man "knows" that having a relaxed manner, if not resting all day, also makes common sense for normal waking hours. "Take it easy," they say, "you'll last longer."

Strenuous activities require relaxation while they are being performed. Coaches

knocked cold by the controlled job of a relaxed opponent. It's an odd thing that even the most vigorous activities can be done best only when "relaxed." The golf or tennis pro will cuss you out if your swing is tense. The bowler who is in a rut may be told, "You're trying too hard, relax." Piano students who can't relax are just pounders.

But how do you relax?

The young man who asked such questions out loud in 1908 went on to become a doctor in 1915. He published "Progressive Relaxation," the first truly scientific book on the subject, in 1928—after 20 years of investigation. Today, Dr. Edmund Jacobson has a long list of later works behind him. At 82, he is tremendously busy and implacably calm and serene, a living example of his life study of rest and relaxation.

His first book took an inventory of the great gulf between (1) the common knowledge that tension is a human curse and (2) the lack of solid knowledge about what tension is and what its opposites—rest and relaxation—are, or how relaxation can be achieved at will.

Every doctor knew, he said, that tension, nervousness and anxiety go hand in hand, and they interfere with the speediest recovery from most mental and physical disabilities.

Every doctor knew that many patients who complained of specific diseases had only one detectable thing wrong with them—the team of tension, nervousness and anxiety.

Every doctor knew that tension and its evil companions were the causes of some afflictions and the aggravators of others. There is a diabetic condition, giving rise to increased sugar in the urine, that can be induced by a chronic state of tension that may be so subtle as to pass unnoticed.

Asthmatic attacks are sometimes brought on by tension. Some forms of high blood pressure are induced and all may be aggravated by states of tension. Stomach ulcers, spastic colons and other afflictions are directly connected with blatant or subtle states of habitual tension.



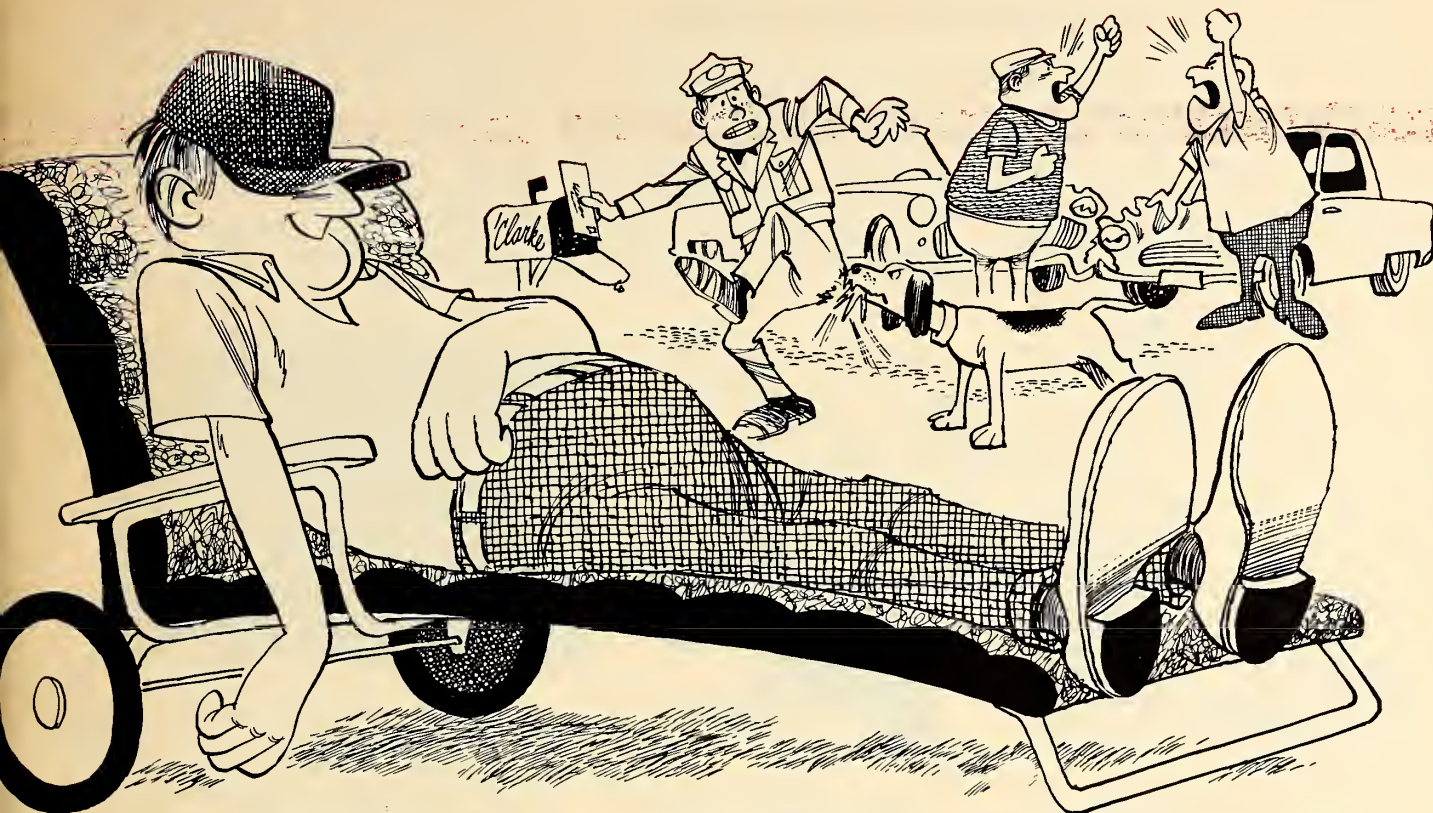
You can't fight your anxieties directly, but you can learn to relax muscles. And if you do, your other tensions must subside.

and few solid facts. He finally devoted his life to a scientific study of the subject. Nature prescribed rest and relaxation for most of its creatures, he noted. If they were well, nature prescribed relaxation every day. If ill, it sent them immediately to lie down and relax. Nature decreed a short life for creatures like the shrew that it designed not to rest.

can't make champions of tense athletes. Runners who tighten their shoulders, screw up their faces in effort and lock their arms and fists while they run come in last. "Keep loose! Keep loose!" the coach shouts at the runner who commits the sin of "tying up."

The boxer who contorts his face and tenses his arms and shoulders will get





You can keep your cool, inside of you as well as out, when you've learned the fine points of relaxing muscles.

But what could be done about it?

Jacobson reviewed our ignorance of that in his first work. How, he asked, did doctors try to get their patients to relax?

Many told them to go home and rest. Among patients who obeyed, the best that many could do was to lie down. Then they often pitched, turned, worried and squirmed until they found any activity to be more bearable than fighting their tensions on their backs.

Jacobson listed a host of things that many doctors tried in order to get around that. To calm their most critically tense patients, these were some of the ap-

proaches that many doctors resorted to:

Hypnosis, suggestion, persuasion, reassurance, Freudian analysis, warm baths, warm drinks, massage, manipulation, isolation from irritants, various diets, exercise, change of scene, entertainment, diversion.

These worked with varying degrees of success and failure, and they were chiefly impermanent crutches when they did get results. Their variety also showed how little was known about the oldest medical treatment—rest.

Another crutch was surer in its effect—drugs. By all odds, the most widely used relaxers prescribed by doctors were various sedatives, chiefly in pill form—pills by the hundreds, the thousands, the millions. The use of drugs was a confession that the patients couldn't be taught to calm themselves.

That was 1928. The pill thing has only grown since then. To the older drugs have been added the tranquilizers and the resort of more people to illegal drugs—from marijuana to heroin. These aren't all relaxers, by any means, but they are all escapes from inner tensions—by diversion and delusion if not by relaxation.

Let's leapfrog over Dr. Jacobson's mass of scientific study of tension and relaxation and ask what he finally concluded from it.

It is *possible*, he found, for nearly anyone to learn to induce at will the serene repose of untroubled sleep when seeking

rest, or to go about the day calmly and as "loose" as a champion athlete. It is possible without using drugs or any other means except practicing the most effortless physical skill ever taught.

"Possible" does not mean "likely." Not by any means. Dr. Jacobson published the essential information in the 1930's in a popular book, "You Must Relax," which was a best seller then. Numerous articles have covered the ground since. But they didn't penetrate the consciousness of the great mass of people who seem to be getting ever tenser, while turning more to escapes and crutches instead of conquering themselves and their anxieties.

What Jacobson learned, beyond all question, is illustrated in the first cartoon that accompanies these words. No matter how an inner tension begins, it depends for its survival on existing in a "vicious circle." For cartoon purposes, we have pretended that it is a visible circle with segments. The artist has included stomach ulcers, sleeplessness, over-stimulation, frustration, anxiety, worry and anger, along with muscle tension. The circle of restless devils inside one person could match this circle or vary in detail.

One part of the circle that is always there can be removed voluntarily, if one practices the simple skill worked out long ago by Jacobson—and since vindicated by the experience of thousands of



The dentist isn't hurting this fellow, but his own rigidity makes him a wreck.



## CONTINUED How to Relax Without Pills

people. That part is muscle tension.

The circle may form around some anxiety, which then builds the rest of it. It may begin at some other point—with pain or pressure or fear or fatigue or anger or a terrible experience or worry or even over-enthusiasm about something.

by a whole tense generation is that it seems to be just too simple to be taken seriously. Possibly our schools could have prevented a generation of drug takers if they had taken Jacobson seriously 30 years ago and taught their students to know themselves and their tensions better. But—how could any-



Regardless of one's ability, nobody wants to hire or promote him if his tensions make him over-responsive.

How it begins is not the point.

For its continued existence the full circle depends on tension in muscles. You may have the circle without ulcers, or without anger, but *never* without muscle tensions. That is the bedrock of Dr. Jacobson's scientific demonstrations. Get rid of muscle tensions, the vulnerable point of all these devils, and the rest of them evaporate.

"Tension" was a vague word as we used it before. But a muscle tension is a definite, physical thing. Make a tight fist. The tightness in it is muscle tension and the feel of it is the sensation of muscle tension. Let your hand slowly turn limp, as shown in a blackboard talk in another of our cartoons. That is the end of muscle tension. The sensation of making the limpness is that of relaxation. The more slowly you loosen the fist to final limpness, the surer you may identify the feeling of relaxation happening, and your control of it.

By training oneself over a period of time to repeat that simple performance, first with all the large, easily-controlled muscles, then advancing to the smaller ones whose tensions are subtler, it is possible after a while for one to relax at will—all the way down to a repose that is quieter than normal sleep. And when the muscles are loose, the other segments of the circle do a vanishing act.

Maybe one reason why little attention has been paid to Jacobson's work

thing so simple be so important?

The fact is that there is not a state of restlessness, nervousness, anxiety, worry, sleeplessness, impatience, irritability, hurry, over-stimulation, talkativeness, over-responsiveness, inner imagining, jumpiness, specific or nameless dread, hate, talking-to-oneself, uneasiness, compulsive apologeticness, aggressiveness, self-pity, resentment, over-eagerness, aimless activity—or even thinking—that is not dependent on tense muscles somewhere in our bodies.

While we can seldom turn off any of



This is an unlikely situation. Arguments subside if one party relaxes.

these unwelcome states just by wanting to, it is possible to learn to relax them away by untensing the muscular tightness that supports them.

Consider a common experience. You can't get to sleep, and you know why. Something is on your mind and you keep thinking about it, and you "can't turn your brain off."

True, you can't turn your brain off.

But the brain is *not* the mind. The mind is a team of the brain, the nerves and the muscles (and probably more, but most certainly that much).

Most of us think in terms of speech, actions and visual images. A common way of "thinking" when you'd rather sleep is to carry on an imaginary conversation, or at least to form your thoughts in the shape of words. In order to think in terms of words, your speech muscles must shape all the words in miniature muscular actions. If you can relax your tongue, your lips and your throat, it becomes impossible to think in terms of words.

In order to think in terms of seeing in your mind whatever you are thinking about, your eye muscles must create the images in miniature actions. If you can relax your eye muscles you cannot imagine seeing anything.

The most disturbing thoughts that interfere with calmness may be those of imagined actions. Not only the actions of rage when you are angry with someone—such as picturing yourself slugging that guy in the nose like you should have, but also the subtle ones—the pianist replaying that passage he muffed in the concert, the writer retyping in better shape the bad sentence that went to press—and you take it from there.

When you imagine slugging that guy in the nose, your brain needs the support of a miniature slugging action in an arm and hand. The pianist's or the writer's fingers get to work microscopically hitting the keys when they imagine redoing their work.

If bed-tossers can relax their arms, hands, fingers, lips, eyes, tongue and throat they can yet "turn off their minds," get a good night's sleep, and be in better shape to take care of their problems in the morning.

Thousands who have learned to calm "uncontrollable" tensions by relaxing controllable muscles find it almost magical and also inevitable. It works every time.

But it does not work if a tense "subject" gives it a brief try and then quits. Dr. Jacobson called his first book "Progressive Relaxation" because he meant exactly that. The process is as progressive as it is certain. It is not instantaneous.



For every minute that you keep the larger muscles relaxed, more of the smaller ones will let go—even if you haven't yet the skill to relax the small ones voluntarily. If you are either exceedingly or subtly tense, and as yet unskilled in the fine points, you are not apt to be wholly calm after five or ten minutes of partial relaxation.

It has always bothered Dr. Jacobson that subjects with no faith in it may

hostility and self-pity, which find reasons not to carry out the ideas of others. So the tense person does have a problem of summoning just enough faith to stay with it. And his tensions work against having that little needed faith.

Here's something to try without any expert instruction. For one month police yourself, *habitually*, to (a) keep your hands and arms limp when not in use, (b) keep your face—and especially

rules, and don't quit if miracles fail to happen the first day or week. And don't make a joke of it by slumping into an idiotic pose for one minute and deciding it was just a funny.

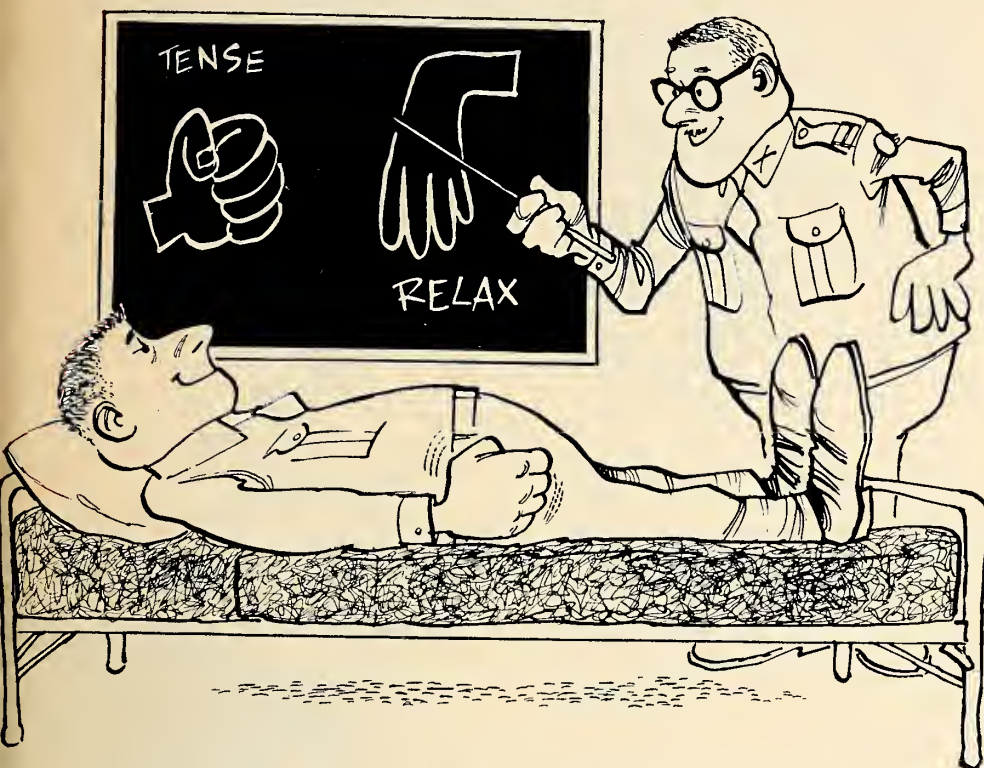
If you want to try more, there's plenty to try. Catch yourself, if you can, in moments of pressure, anger, worry, hurry, nervousness, excitement, argument, resentment, impatience, irritability, eagerness, fear, apprehension or similar tense situations. I am sure you can find such moments. There are enough of them around these days.

When you recognize them, relax every big muscle of body, arms, hands and face that you can without falling down or looking ridiculous. Maintain all the muscular relaxation you can, while still playing whatever your role may be, no matter what others do or say. Try it 40 times, not just once. Then you be the judge of what seems to happen to your part of the tenseness of the situation.

Going to the dentist soon? That's a good time to show yourself that the exhausting total body agony some people suffer in the dentist's chair comes from their own rigidity. Our cartoon of a guy who is in awful agony, though the dentist is only holding a mirror in his hand, is literally true of many people. This rigid patient has inside himself a "vicious circle" ruled by apprehension. His apprehension is crucifying him, not that little mirror that isn't touching him. When he leaves, it will not be the occasional pains in his mouth that left him a total wreck, it will be the beating his apprehensions gave him. If he'd let his arms hang limply and let his shoulders and legs loosen up, he'd find he could take the dentist by the hour and come away fresh.

Dr. Jacobson is all for people teaching themselves how to relax, but he is skeptical of how far they will go. One who is trained to relax in a series of expert lessons would, in that dentist chair, relax *more* when the drill went into his mouth. He'd make it a point to let his muscles go and leave the tensions to the dentist. The result would be that the dental work would shrink from all-over agony to localized, tedious fussing. A self-trained person is more apt to put himself at ease during the mirror phase of the dentist's work (which helps, at least). But comes the drill, he forgets. Soon he clenches the arm of the chair and turns rigid all over. Nothing the drill does to him will make him *suffer* as much as his needless tensions will.

The ultimate lesson for Jacobson's own patients is to learn to make limp muscles in situations that seem the most trying. There is nothing impossible about it, but remembering to do it isn't easy at first. (Continued on next page)



To start learning relaxation, you tighten big muscles, one at a time, then let them go limp and stay limp—noting the sensations. Later, you can graduate to smaller muscles with subtler tensions. Squinting eyes tight shut and compressing lips, then letting them go limp and stay limp, are two small-muscle exercises. For practice, it's best to pick a time when you can stretch out on your back. But you apply the relaxation you learn when up and about as well as when going to sleep.

fail to learn progressive relaxation by themselves, even if they fully understand what it's about. His work is rigorously scientific. From the start he leaned over backward not to let his work lead him into a "faith cure" that depended on the subject deceiving himself. Progressive relaxation does not require faith that it will work. But it requires a willingness to keep at it.

By analogy, it is like turning off all the lights in a house by throwing each of their switches. By the same analogy, the house will certainly be dark when the last switch is thrown, and certainly not until then.

Many of the manifestations of inner tensions are self-defeating in that they lead the subject to abandon attempts to relax before he has progressed enough. Impatience is one of those manifestations and it demands instant results. So are

your lips and brows—placid when not talking, and no more active than necessary when talking, (c) let your shoulders hang on their bones unless they have a load to bear, and (d) let go any needless rigidity in your legs and feet when they aren't carrying you about.

If you do these four things you will find a pleasant change toward serenity creeping up on you, even if you don't consider yourself a tense person. Some of your troubles will even disappear.

Give it a real try for one month and see for yourself. You will discover some things you didn't know. Like how often you may catch your hands, arms, shoulder, mouth and brows in some needless rigid state of which you were previously unaware—and how good and calming it feels to make them limp when you aren't using them. Just stick with the

ILLUSTRATED BY BOB CLARKE



## CONTINUED How to Relax Without Pills

Unnoticed tensions are the cause of many disagreeable personal habits and mannerisms, and even mistakes in judgment, in people who don't think they have any tension problem.

Some years ago, a writer described how, before WW2, he'd applied for a job that he badly wanted and for which he was qualified. During his interview his tense muscles took over. He tapped his feet, chained cigarettes and even had two burning in an ashtray while he lit another. He crossed and uncrossed his legs, did nearly all the talking, volunteered what he thought were his shortcomings and rushed on to say why he should be hired anyway. He blundered on to praise the company's work, expressed political opinions that he thought the personnel manager might agree with and often started sentences whose end or sense hadn't yet occurred to him.

For 20 minutes the personnel manager couldn't get a word in edgewise. When he finally asked a question, the applicant interrupted to answer it—and answered the wrong question because he hadn't heard it to the end. He didn't get the job.

As he wrote later, he'd made a complete ass of himself. Yet he wasn't normally like that. His anxiety to get the job had turned him into an obnoxious fool. He never understood what happened to him, he wrote, until WW2, when the Navy took him through Jacobson's relaxation course. (Aviation cadets, going from rigorous pre-flight training to flight training were so tense that some couldn't be taught to fly, and were a positive danger to their instructors. The Navy's problem was solved when it added a course in relaxation to its pre-flight program, under officers who were first sent to Chicago for training by Jacobson.)

The writer went on to tell about the first job he sought after the war. He performed some Jacobsonian muscular relaxation during the interview. The personnel manager did most of the talking and was delighted to have such an intelligent and poised listener. P.S. He got the job.

There's a host of disagreeable habits that we always recognize in others, all of them muscle-driven tension responses. Speech, alone, is full of them: Talking too much, too fast, too loudly, with wearying emphasis on everything; talking about oneself to the point of boredom to listeners; injecting irrelevant and often personal matters into serious discussions; making much of little; explaining too much; repeating and repeating; interrupting and thus not hearing others;



talking first and thinking afterward; constantly criticizing others; chronically blaming and seeking to escape blame; making hasty and foolish suggestions.

People who are habitually relaxed seldom commit any of these offenses. Any one who does is loaded with inner tensions. We cannot will them away, but they can be relaxed away, for they are the habits not so much of people as of their tensions.

Hardly anybody rises to the top of any human activity if he is habitually tense, unless he owns the company. We instinctively trust calm people and mistrust tense people. Even when they have spectacular talents, the tense make the most mistakes in judgment, which is reason enough to mistrust them. They get in the most arguments, do the greatest number of foolish things and commit themselves to the most unconsidered actions. They are least aware of the world except in relation to themselves, hence least apt to cope with it as it is.

There's good reason for this. When you are tense you are over-responsive. That means you are "set" to react immediately to any stimulus. And *that* means that your reactions may be thoughtless, even stupid. If you jump out of your skin when someone says "boo" behind you, you're over-responsive. A violent leg kick when the doctor taps your knee with his little rubber hammer indicates over-responsiveness. The fellow in our cartoon who is spouting a volcano because the cap has been left off the toothpaste is over-responsive. He

thinks the world's against him, but in fact he's playing host to too many tensions. Habitually relaxed people don't react that way.

Over-responsiveness depends on chronically tense muscles. In one of our cartoons, a tense auto driver goes over a cliff because a small stone falls to the road. This is not entirely exaggeration. Such things happen. The relaxed driver would brake short or steer around the stone, whichever is the right thing to do. His responses are controlled because they are not set off blindly by pre-set fuses, so to speak.

In an argument, they say, one word leads to another. Everybody knows that arguments can lead to absolutely stupid actions. They are made up of two or more people over-responding, and over-responding again to each other. If one party can keep his cool, most arguments wouldn't happen, or would quickly subside. He can keep his cool by keeping



his muscles loose—if he will. And his lack of exaggerated response then fails to give the other guy the stimuli needed to prod him to white heat.

If you were learning how to relax under instruction from Dr. Jacobson or one of the many instructors and doctors he has trained, you'd spend some time with the instructor each day, lying quietly with eyes closed. You'd tighten a big muscle and let it go a couple of times, then spend the rest of the time just letting it go and noting how it felt when relaxed.

Successive lessons would take you, one at a time, over most of the big muscles in arms and legs and torso. What you would be learning would be to recognize the tensions and the experience of relaxing them. Then you'd move on to



the smaller muscles, such as those in the eyes, lips, etc. After experience with the big muscles, you'd find that you could control needless tension in the smaller ones, though at the start you probably couldn't have recognized a subtle eye or lip tension, let alone have relaxed it.

It is not a part of progressive relaxation, in daily practice, to tighten muscles. This is done in the learning stage, when the average subject cannot identify a tension unless he makes an exaggerated one. As learning progresses, he can catch himself at almost any minute with some needless tension that already exists, which he can readily let go without increasing it first.

Eventually, he finds that he can identify tensions in ever smaller muscles without tightening them. The chief problem lies in recognizing tensions in the

The same rule that applies to an athlete applies to an office worker—or to anyone who is doing anything. You will do better, no matter what you are doing, and with less fatigue and better judgment, if the muscles that aren't involved in what you are doing are loose. Even the executive who is doing no more than discussing policy matters at a morning conference will find that he performs better, listens better when he should be listening, talks better when it's his turn, and comes to more logical conclusions—if he is physically loose. And, though he will say less, people will listen to him with more respect—which is only natural when he performs better and is visibly the calm one in the group.

When this progression was taught in the Navy in WW2, cadets who were rigid throughout the whole first lesson could not stay awake long enough to be taught the last lesson, eight weeks later. They fell asleep in midday the moment they lay down for the instruction. And that was good enough for the last lesson.

After that, it was up to them to recognize and relax needless tensions in their daily lives. They seem to have done so, since no more complaints about tense cadets came back from the flight training bases.

More than 20 years ago a writer for this magazine wrote a delightful article, guaranteed not to be medical advice, called "My \$2 Ulcer Cure."

Author John Reese described an alleged cure for stomach ulcers, chiefly by having a sip or two of port wine and

then taking a nap for about 45 minutes before dinner each night. After it was published, letters from readers telling of "miraculous cures" poured in. Requests are still received for the Reese article. The letters read like patent medicine testimonials. One woman even wrote a long poem describing how Reese's article had done away with her ulcers after years of trying everything else short of surgery.

What Reese was really describing was a way around learning relaxation, to get similar results in a limited way. The wine acted like a mild drug to induce relaxation in anyone who would lie down to nap immediately. No doctor has ever prescribed this, to our knowledge. Some of them, as Reese warned, fear the direct raw effect of the wine on an active ulcer.

To the many readers who reported that they had accepted that risk and seen their ulcers vanish, the wine was a crutch that helped them let most of their voluntary muscles go limp. Then the overtense and over-responsive involuntary muscles of their digestive tracts had followed the voluntary muscles into a state of repose.

Jacobson agrees with this much of it: a relaxed state spreads. If you will habitually relax needless tensions in your voluntary muscles, the state of relaxation will spread to such muscles as those involved in stomach tensions that are not directly controllable. Which is something to think about if you work under pressure that has your stomach "tightening up in a knot."

THE END



first place, and the early practice with exaggerated tensions is practice in recognition.

In the course of his work, Dr. Jacobson had the help of volunteer subjects in his laboratory who eventually became masters of relaxing. Such a subject could sit in a chair with electrodes attached to his skin that would visibly record the nervous activity in the underlying muscles. When he'd "let go" completely, the electrodes would show virtually no activity. Soon he would fall asleep, and then the measured activity would increase. Such subjects could relax more under conscious control than when asleep!

When one has learned progressive relaxation, its most beneficial application in daily life is not just for resting.



THREE EXAMPLES OF OVER-RESPONSIVENESS, TRACEABLE TO UNRELAXED TENSIONS

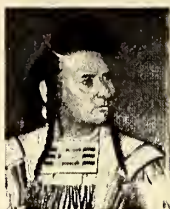




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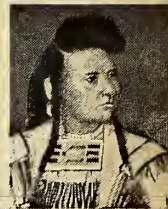
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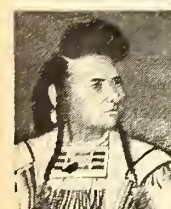
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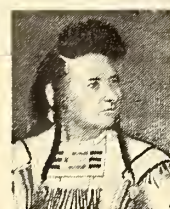
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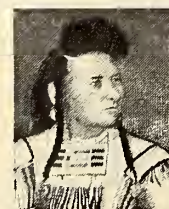
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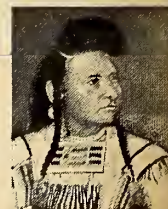
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# The Noblest Red Man of Them All

Why artists and U.S. postage stamps have honored Chief Joseph of the Nez Perce tribe.

By DAVID LOTH

**F**OR 110 DAYS in 1877 an American Indian outmarched, outsmarted and several times out-fought some of the best officers in the American Army. Yet neither the 37-year-old chief nor his tribe, the Nez Perce, had ever fought whites before or even killed a white man.

The leader of this martial exploit starting near Oregon's eastern border and ending 1,700 twisted miles away in Montana was compared to the greatest commanders in history from Xenophon to Napoleon. He became a hero to all Americans, just as Robert E. Lee did, and for the same qualities—military genius, raw courage, dignity and gallantry in a fight for what he believed to be his people's freedom.

William T. Sherman, of Civil War fame, commanding general of the Army at the time, said in his official chronicle of the campaign that it was "one of the most extraordinary Indian wars of which there is any record." He hated the Indians. The statement that "the only good Indian is a dead Indian" is attributed to Sherman. But he wrote:

"The [Nez Perce] Indians throughout displayed a courage and skill that elicited universal praise. They abstained from scalping; let captive women go free; did not commit indiscriminate murder of peaceful families, and fought with almost scientific skill, using advance and rear guards, skirmish lines and field fortifications."

The man who earned this tribute had the tribal name Hinmaton-Yalaktit, variously translated as "Thunder Rolling in the Mountains," "Thunder from the Water Coming up over the Land" and "Thunder Traveling to Loftier Mountains." Luckily, he was also called Joseph, and as Chief Joseph he entered American history. A six-footer who looked like a handsome Roman senator in braids and buckskin, ornamented with

shells and draped in a blanket instead of a toga for formal appearances, he already had a reputation among the whites as an eloquent, skillful diplomat whose word could be trusted.

On the evening of June 14, 1877, he and his brother, Ollokot, returned to their tribe's camp near Tolo Lake in Idaho. They had been away for a few days butchering beef for their families. There was one of several Nez Perce bands that had agreed to move from ancestral lands in Oregon to a reservation in Idaho. They had not liked the idea, but Joseph persuaded them that peace was better than rebellion. Besides, he genuinely hated war.

They followed him because neither he nor his father before him had ever led them into trouble. For a long time he succeeded in saving their territory in tough negotiations with American commissioners and generals. He had come to rule his people by force of character and their trust in him. So for weeks they had been submissively rounding up their thousands of horses and cattle under his

direction. Now they were celebrating the last days of their old, free-roaming life.

When the brothers reached camp, Joseph heard with dismay that a young brave had gone on a rampage with a friend, killing several whites to avenge the murder of his father by a white man. This murder was just one more of the repeated outrages committed against the Indians by squatters in the area. The brave was being joined by other hotheads bent on further raids.

"I would have given my own life if I could have undone the killing of white men by my people," Joseph said later, but he realized his only choice now was to turn the raiders over to white justice or fight. No Nez Perce seriously considered surrendering the braves.

With a heavy heart, Joseph led his 500 or so men, women and children a few miles south to an easily defended spot, Whitebird Canyon on the Salmon River. He had them set up their tepees behind brush covered ridges that an enemy could approach only over a treeless, fairly level stretch of barren ground.





# CONTINUED The Noblest Red Man of Them All



Frederic Remington's painting of Chief Joseph's surrender, Oct. 5, 1877.

Here, on June 16, the younger of his two wives bore him a daughter.

The same day his scouts reported that soldiers were on their way. In fact, the 99 troopers of the First Cavalry and 11 volunteers hoped to stage a surprise attack at dawn, but Joseph was ready. Half his warriors were drunk on liquor taken in the raids, so he could muster only 60 fit for action. Some of them were armed with nothing but bows and arrows or smooth-bore muskets. Before daylight they and their chief were stripped for battle. Long fringed leggings protected their legs from brush and thorns. They were bare from the waist up except for a cartridge belt or quiver slung over their shoulders. Joseph concealed them and their superbly trained war ponies among ridges that commanded the approach to the camp.

Still hoping for peace, he sent six men with a white flag to parley, but the flag was fired upon and the fight was on. As the soldiers moved across the barren ground, Indian snipers, with marksmanship the troops could not match, began picking them off. At the same time, a group on war ponies routed the civilians and rushed the cavalrymen's left flank, while Joseph sent what seemed a herd of loose ponies stampeding straight at the right of the line. A few sharpshooters led by Ollokot were scattered among

them, and in a few minutes it was all over. Thirty-three troopers and one lieutenant were dead on the battlefield. The Indians, who had four men wounded, retrieved 63 Army rifles and a good supply of ammunition.

One result of this was that federal troops were on the move from Atlanta to Alaska to cope with what newspapers in a day or two labelled the Nez Perce War. Detachments were rushed into the Northwest to guard against other Indian uprisings, while Gen. Oliver Otis Howard, commander of the Army's Department of the Columbia, gathered a force he considered more than enough to overwhelm the Nez Perce.

Howard, 47 years old, was a descendant of New England settlers and a West Pointer. He had held high command in the Civil War, lost his right arm at the Battle of Fair Oaks, wrote voluminously for newspapers and magazines, was a noted Bible scholar and such a fluent preacher that he was known as "the Christian General." He gave his name to Howard University in Washington, D.C., and had been its president. He also had been Lincoln's choice to head the Freedmen's Bureau, set up to help ex-slaves at the end of the war.

On June 22 he started out under orders to quash the Nez Perce uprising with a force of 250 troops, a couple of

howitzers, two Gatling guns, a considerable mule train tended by tough civilian packers and a few Indians as scouts. He wrote to his good friend Sherman that the campaign would be short and decisive.

While he marched through abominable, rainy weather, Joseph moved again to very rough country along the swift and swollen Salmon River. Other Nez Perce, who had taken no part in the fighting so far, joined him until his camp held 850 to 950 members of five bands whose chiefs, besides Joseph, were Looking Glass, White Bird, Little Bald Head and Toolhoolhoolzote. About 250 were warriors, most of whom had rifles taken at the canyon fight or in raids on settlers.

At the first council of chiefs, Joseph proposed a plan he still hoped would lead to peace without fighting. He said that the tribe should dodge about until the soldiers got tired and let the bands go to the reservation. For several weeks they succeeded, while Howard toiled after them and marveled at Joseph's skill in maneuvers. No general could have devised a plan "more likely to puzzle and trouble a pursuing foe," he wrote.

It took leadership of a high quality to keep 900 people of all ages and degrees of health moving faster than well-trained cavalry. The Nez Perce never recognized the right of anyone to give



them orders. They took a chief's advice if they liked it. Joseph, camp master for all five bands by common consent, gave advice about when to start, where and how long to pause at noon, where to camp—and made the whole tribe like it. Long afterward, survivors of the campaign said no other chief could have done it.

When the soldiers finally came close, Joseph had his people strike their buffalo skin tepees, load themselves and their belongings on great circular rafts of hides lashed to thick poles, drive their stock into the river and ferry across. They lost some horses and cattle in the swift current, but crossed in only a few hours, while Howard needed days. Then Joseph led him a 25-mile chase northwest across mountains to another turbulent passage of the Salmon River and turned east to a camp on the Clearwater River. Howard, unable to cross the torrent where the Indians had, retraced his steps over the whole 25 miles of rugged terrain, which gave his quarry a week of peace in their new camp.

Most of the tribe enjoyed the brief return to normal living. They were joined by a few hunters returning from the buffalo country in Montana, where for generations the Nez Perce had obtained skins for tepees, mats and robes. Men and boys loafed, fished, hunted, raced their horses and played games. The women prepared dried meat and camas bulbs (a lilylike plant that was their staple vegetable), repaired baskets and tepees, mended or made clothes, cleaned the camp and tended their babies.

They had plenty to do because by Indian standards the free Nez Perce were rich. They were the best horse breeders of their race—3,000 to 3,500 head were grazing on the banks of the Clearwater with about a fifth as many cattle. Basketry was their fine art. Food, clothing, beaded and feathered decorations, gold in dust and coins, and utensils from forks to huge cooking pots were kept in baskets, so a family was always packed to move.

By July 11, a blistering hot day, Joseph was beginning to think that his peace plan had worked. Scouts had reported no sign of Howard along the route the tribe had taken. Could he have quit already? Actually the General was coming from the south on the other side of the Clearwater River with nearly 600 men.

His advance guard was seen just in time for young men who had been lounging by the cooking fires to strip to the waist for battle, grab their rifles, sling cartridge belts over their shoulders and swim their war ponies across the river. Protected under the crest of the bluff and behind trees, they opened such a rapid, accurate fire that the soldiers halted, then deployed in a long arc.

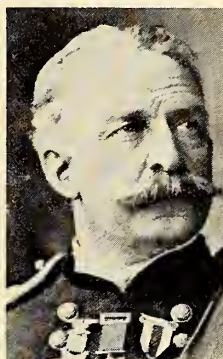
The Battle of the Clearwater was fought on a plain about two miles wide with long grass as the only cover. Through the long, hot afternoon, the two lines dug in and remained stationary, well over a quarter of a mile apart. The Indian marksmen occasionally scored a hit at this distance, the soldiers almost never. Both sides improved their fortifications during the night. Seasoned Indian fighters in Howard's army described those of the Nez Perce, made of rocks and logs, as beyond anything they had ever seen red men attempt.

Joseph did not help in this work. He and the other chiefs spent the night arguing. Joseph was for continuing their flight all the way to Montana where he thought the tribe could start a new life on the plains with their old friends, the Crows. "I would have taken my people to the buffalo country without fighting if possible," he explained later. But Looking Glass, White Bird and Little Bald Head thought that if they whipped the troops once and for all, the white men would go away and leave them in peace. For once, Joseph's eloquence and common sense failed to carry the others with him. He could have gone off with his own band, and none would have called him

BETTMANN ARCHIVE



General Howard



Colonel Miles

Their forces ended Joseph's flight.

triator, but he was sure that only in unity could the tribe hope to win safety anywhere. Reluctantly, he agreed to continue the battle.

The fighting next day was just more firing at distances too far to do much damage. By early afternoon, the Indians were losing patience. Many of them drifted back to their tepees, saying they had to protect their families and get ready to pull out. Joseph went with them and began preparations for breaking camp. He saw to it that the injured and infirm were placed on *travois*, a sort of hammock or litter dragged along the ground between two poles that served as shafts for the horse that drew it.

Before he could give the word to strike the tepees and load pack animals, warriors remaining on the bluff saw a supply train coming from the south escorted by a company of cavalry. They then made what appears to have been

the Nez Perce's only tactical error in the whole campaign. They attempted to flank the new arrivals and failed. Howard, seeing that this left a wide gap in the defenses, ordered a general advance. The thinned Indian line on the bluff broke in a mad dash back to camp.

Panic spread among the women and children, but Joseph ran among them, soothing, directing, blocking one and pulling another by the hand until they returned to their tepees, seized what they could carry and ran for the horses before Howard's cavalry could get to them. They escaped with their animals, but most of their possessions—household goods, food, gold and tribal treasures were abandoned, to be looted and burned by the volunteers and packers. Howard could not pursue. He had to wait for two weeks for new supplies to reach him before he could resume the chase.

Well ahead of the troops, Joseph led the Nez Perce across the Clearwater to an old campground in the Bitterroot foothills near the Lolo Trail, a route their hunters often used to reach Montana. Here the other chiefs adopted the proposal to go and live in the buffalo country. As Joseph saw it, the war was strictly an Idaho affair, so no one would bother them in Montana. Some day, he promised, they would negotiate a return to their homeland. It did not occur to him that white men on one side of the Rockies would concern themselves about a fight on the other side. Indians never engaged themselves in such remote quarrels.

His calm confidence was contagious. Although without tepees, robes and most utensils, and in an uncomfortable camp unpleasantly short of food, his people behaved as if this were a normal stop-over on the way from summer to winter range.

On the morning of July 17, Joseph led the way to the Lolo Trail, hard going for 800 or more people, mostly women, children and old men, with 3,000 animals. It was the same route Lewis and Clark had taken across the Bitterroot range, and they had emerged weak and starving. It had been members of the Nez Perce tribe who had befriended and fed them at that time. The route twists for 250 miles up and down steep, rocky slopes, sometimes blocked by tangled underbrush and fallen trees, sometimes winding through forest so dense that only one pony at a time could squeeze between the trunks. The trail climbs to more than 7,000 feet, and the journey is rougher going down than up.

Children and the aged suffered most. They were bruised and sore before the first day ended. Sleeping in the open those cold nights stiffened their joints. Food was scarce—berries, edible bark and small game when they were lucky—

(Continued on page 46)





Opposing Views by Congressmen on The Question...

# DO WE NEED PRICE

**O**N OCTOBER 29, 1969, I introduced bills to provide the President with standby authority for price controls (H.R. 14565) and wage and salary controls (H.R. 14566). At the time I warned: "Controls over prices and over wages and salaries are not a pleasant prospect. However, the alternatives of rampant inflation or an economic downturn which could lead to a major depression are much more unpleasant to contemplate." Under my proposal, the President could impose anti-inflation controls when economic pressures threaten the value of the dollar.

However, the Nixon Administration has opposed standby controls. It relies instead on tight money and extremely high interest rates to strangle economic activity and create unemployment. The theory is that reduced economic activity and increased unemployment will cut demand for goods and labor sufficiently to halt inflation.

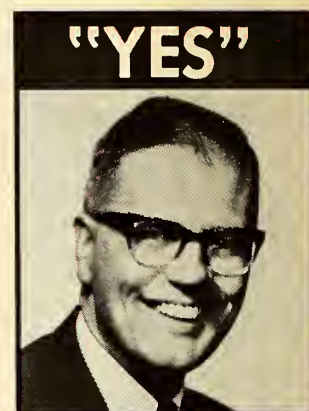
The record shows the President's policy has not worked. Since January 1969, consumer prices are up 8.5%, wholesale prices are up 5.5% and the number of jobless is up 43%, and all are still rising.

The unemployed are not the only victims of high interest rates and tight money. The Administration's policy has hurt substantially homebuilders, railroads and small businessmen. Such businessmen simply are unable to compete for loans with those corporate entities, mostly industrial giants, having great flexibility to raise prices. The latter pass along to consumers increased costs of borrowed funds, thus contributing to inflation, while other firms must cut operations when credit is inadequate.

Standby authority to impose controls would provide the President the means to handle fairly the present inflationary situation. Employees would limit demands if they had assurance prices would not skyrocket. If

an industry ignored the need for stable prices, the President could impose controls on that industry alone. This approach makes unnecessary a vast bureaucracy to enforce complete control. Controlling prices of basic steel or basic copper, for instance, would not be an onerous administrative task. However, control of such prices would enable firms engaged in fabrication to maintain stable prices, particularly in view of the substantially higher level of price competition in such industries.

In summation, forced idleness is not an acceptable method of controlling inflation. The impact of unemployment is both inequitable and socially disruptive. Standby authority to impose controls would increase greatly the effectiveness of Presidential persuasion. When persuasion fails, he could impose controls selectively without creating a new bureaucracy or disrupting the play of market forces in setting price or wage levels. Prices could be brought under control without forcing millions onto the unemployment and welfare rolls.

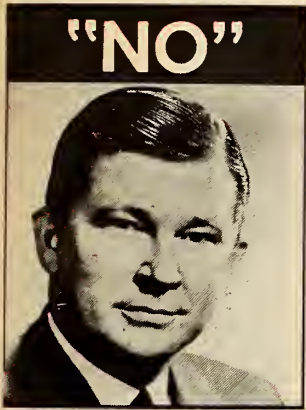


Rep. John D. Dingell  
(D-Mich.)  
16th District

**If you wish to let your Congressman or one of your Senators know how you feel on this big**



# AND WAGE CONTROLS?



Sen. John G. Tower  
(R-Tex.)

**O**UR NATIONAL ECONOMY is presently undergoing a significant and sometimes painful readjustment. This readjustment is necessary to counteract an economic malady brought on by too much borrowing and too much spending. I believe this period of readjustment is all the more painful because it is long overdue.

We are passing through shoal waters but our economic ship of state is not going aground. Actually, the economy continues sailing along at a near-record level of activity.

It takes a firm hand at the helm to continue sailing a true course when there are so many cries to turn in another direction. But the President fortunately has not been swayed by the partisan voices proposing wage and price controls.

There is a need for management and labor to exhibit a higher degree of responsibility by voluntarily acting in a cooperative effort to hold down wages and prices. But forced controls by the government would serve to undermine a portion of our free enterprise system and additionally simply would not work.

Controls would actually lead to more trouble, for when they eventually would be removed, both labor and management would leap at the opportunity to regain what they would view as lost profits and lost earnings. Our economy would then be hard pressed to withstand the explosion.

Our economy suffered this kind of pressure after WW2 when wage and price controls were used. That experience taught us also that wage and price control requires new bureaucracy, vast amounts of paperwork, much travel to and from Washington, pressure on legislators, heavy legal fees, long delays and much frustration.

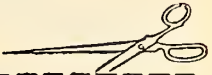
We do not cure a decade of federal financial excesses overnight. But President Nixon has charted a true economic heading which will cure our economic woes, without wage and price controls, over a period of time, and will avoid any dramatic impact. Too rapid an economic action would be even more detrimental.

We can learn a lesson from this currently difficult time in our economic history. The lesson for businessmen and laborers is the fundamental need for efficiency and productivity, along with voluntary wage and price restraint. When we indulge to excess in the desire for higher profits and higher wages, we must eventually pay the penalty necessary to return to economic health.

The President has ably demonstrated that we mean to stay on course with a blend of fiscal and monetary policies consistent with orderly expansion and the restoration of reasonable price stability.

I am confident the President is following a course consonant with our nation's long-range best interests. His policies will be successful, but we must give them time to work.

*John G. Tower*



issue, fill out the "ballot" and mail it to him. →

I have read in The American Legion Magazine for October the arguments in PRO & CON: Do We Need Price And Wage Controls?

IN MY OPINION PRICE AND WAGE CONTROLS ARE NEEDED ☐

ARE NOT NEEDED ☐.

SIGNED \_\_\_\_\_

ADDRESS \_\_\_\_\_

TOWN \_\_\_\_\_ STATE \_\_\_\_\_

You can address any Representative c/o U.S. House of Representatives, Washington, D.C. 20515; any Senator c/o U.S. Senate, Washington, D.C. 20510.



**M**ANY OF AMERICA'S top legal experts are worried that the nation's criminal courts are breaking down so rapidly that they are becoming the soft underbelly of the entire criminal justice system.

The courts, particularly in the large cities where they are needed most, are being squeezed by a powerful combination of destructive forces. There is a rising crime rate, which generates an increasing number of arrests, and, hence, an increasing work load for the courts. There is a seemingly endless series of new rules and procedures to protect defendants' constitutional rights. Social pressures are exerted on the courts that seem to shift with the winds. Many archaic court procedures have not changed materially since the 18th century. There's a damaging lack of regional uniformity. A chronic shortage of money, court personnel and courtroom space leads to long delays, which plague our criminal court systems, injuring the defendants and the public.

Also, the practice of plea-bargaining is growing. Plea-bargaining defendants are allowed to plead guilty to some minor infraction, often totally unrelated

## The Mess in Our

A look at the problems in our courts that threaten to break down our criminal justice system.

to the real crime, simply to get one more case off an overcrowded calendar. The result is that the criminal is back on the street faster than he might have been if he had been fully prosecuted, and perhaps scornful of the system that let him off so easily.

The crime rate grows in city, suburb and rural community alike, as criminals who escape punishment in the courts re-

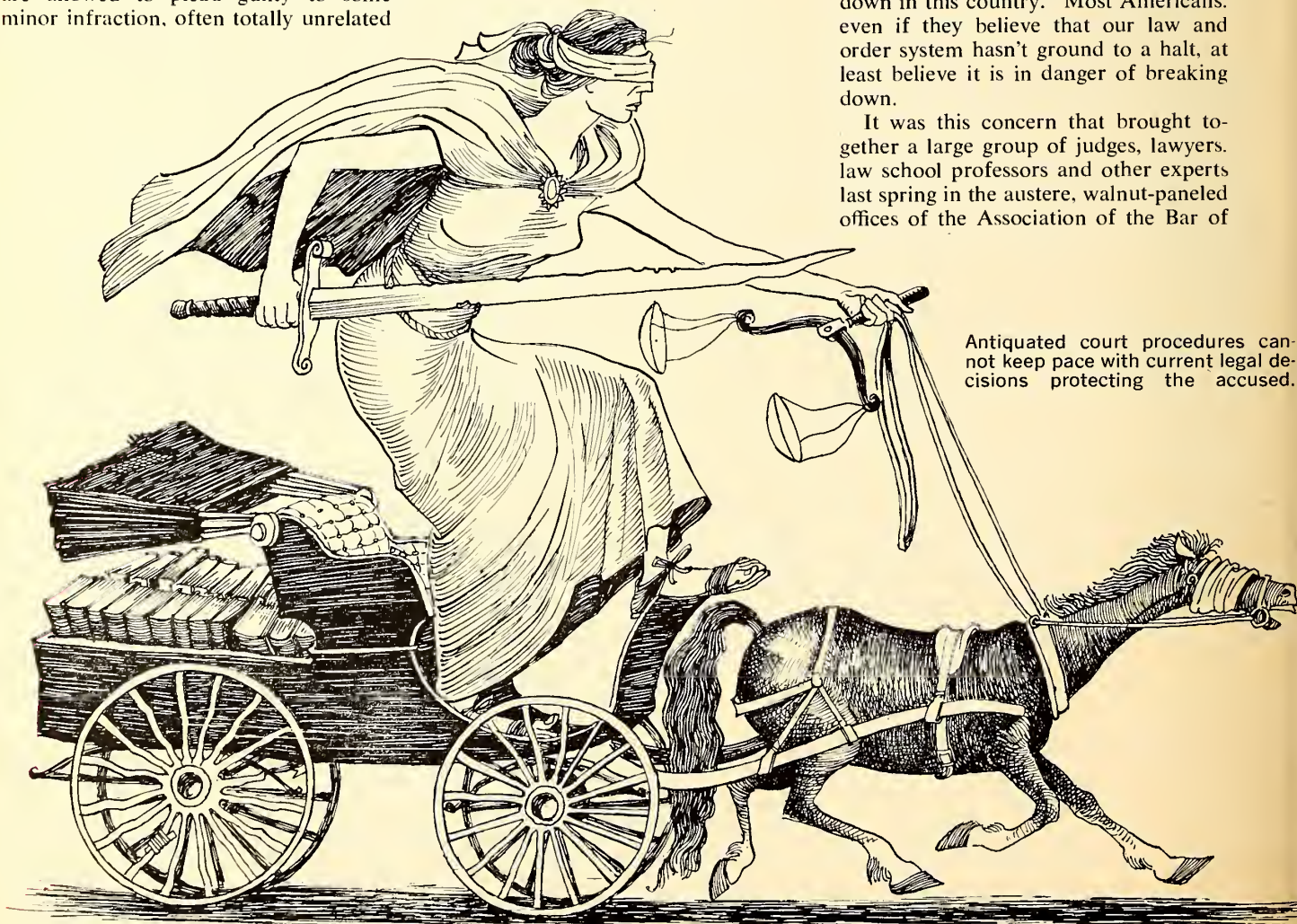
turn to society to create more and more crimes.

The squeeze on our courts shows up in the dangerous and pervasive erosion of one of the basic cements that holds out society together—the respect for law.

In a recent nationwide poll, 1,481 voters were asked about their feelings on the issue of law and order. A total of 81% said they agreed with the statement that "Law and order has broken down in this country." Most Americans, even if they believe that our law and order system hasn't ground to a halt, at least believe it is in danger of breaking down.

It was this concern that brought together a large group of judges, lawyers, law school professors and other experts last spring in the austere, walnut-paneled offices of the Association of the Bar of

Antiquated court procedures cannot keep pace with current legal decisions protecting the accused.





# Criminal Courts

By DONALD SINGLETON

the City of New York. The 300 men and women spent two days seeking answers to the question: Is Law Dead?

They were in deadly earnest as they probed down to the deepest roots of our system of law. They did not reach conclusions or find simple answers. But, as United States Attorney Whitney North Seymour said at the end of the first day of the session:

"Law may not be dead, but it certainly seems to be breathing hard."

That study, like most studies of our criminal court systems, focused on several distinct problems:

Overcrowding of courts and overloading of their calendars.

Lengthy delays that interfere with the defendant.

Lengthy delays that damage the prosecution.

Insufficient representation for poor defendants.

Bad, inefficient court administration.

The widening practice of plea-bargaining.

New procedures to safeguard defendants' rights, which take time and therefore add to backlogs.

The problems caused by social legislation which has become, in many cases, outdated.

A worsening shortage of lawyers.

A chronic shortage of money.

Put them all together and you come up with the system as it is—a creaky, overloaded, anachronistic and inefficient mess. A mess which seems to be losing its grip on day-to-day business and its ability to set the innocent free and to punish the guilty.

Society cannot tolerate a system of justice which punishes the innocent—we Americans can proudly boast that our courts are among the fairest in the world.

But society cannot tolerate a system which fails to punish the guilty, either.

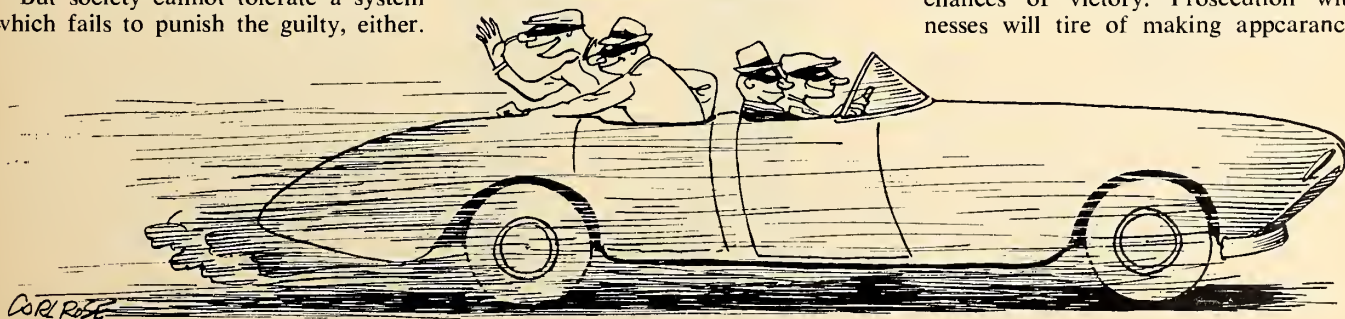


Criminal courts have not expanded to keep up with the rising crime rate, and judges face overloaded calendars.

As the President's Commission on Law Enforcement and Administration of Justice wrote in its massive Task Force Report in 1967: "The importance of these (criminal) courts in the prevention or deterrence of crime is incalculably great, for these are the courts that process the overwhelming majority of offenders. Although the offenses that are the business of these . . . courts may be 'petty' in respect to the amount of damage they do and the fear they inspire, their implication can be great. Hardened criminals do not suddenly and unaccountably materialize. Most of them committed, and were brought to book for, small offenses before they began to commit big ones."

The loss of respect for our courts, the experts agree, is a major factor in the crime rates which rise year after year at a pace that far outdistances population growth. When criminals believe they can violate the law and escape punish-

ILLUSTRATED BY CARL ROSE



ment, they are more likely to commit crimes.

It is this kind of concern which led the Ford Foundation early this year to put up \$1 million in grants for studies on the apparent erosion of faith in our judicial processes.

Perhaps the most obvious problem with our courts, from the lowest magistrate's court right up to the United States Supreme Court itself, is the problem of delay. Arraignments, hearings, trials and sentencing procedures can all be held up by any of a thousand different factors. Appeals on varying details of any case can add years between the time a sentence is imposed and the time it takes effect.

Court procedures have to be as flexible as possible in order to be as fair as possible. Justice cannot always be hurried, or even kept on a timetable. If a judge becomes ill or dies during a trial, the trial must wait, or it must start all over again. If a lawyer has two trials scheduled for the same day, one of them must be postponed. If a defendant wants to obtain legal counsel or if he wishes to change lawyers in the middle of a proceeding, the court often must wait for the new lawyer to acquaint himself with the details of the case. If a busy lawyer has too many appeals to prepare at once, some will have to be postponed.

Delays are not always as unavoidable as a judge's illness or a lawyer's overloaded appointment book, however. Many defendants use delay as a tactic. In fact, defense attorneys have a saying that goes like this: "The best tactic is always a motion to postpone, for as long as possible."

Defense attorneys hope that by postponing a case, they can wear down the prosecution and thus increase their chances of victory. Prosecution witnesses will tire of making appearance



## CONTINUED The Mess in Our Criminal Courts

after appearance, only to be told to come back again in another two weeks or a month. Policemen will begin to forget vital bits of information about the case. Witnesses will move or die. Evidence may deteriorate or become lost. Tempers may cool. And in the end, when the day of judgment finally arrives, the punishment may be less severe—or the case may be thrown out altogether.

There have been many cases in which defendants have managed to delay parts of their trials or appeals for well over a decade. Sometimes the tactic of delay is effective; other times it simply postpones the inevitable.

Such was the case with Caryl Chessman, the famed "Red Light Bandit," who was convicted of kidnaping two women in California and forcing them to perform perverse sex acts. The crime was committed in 1948. Chessman did not sit down in San Quentin's apple green, octagonal gas chamber until May 2, 1960—12 years later.

Chessman had used the fine technicalities of the law to win eight previous stays of execution. In fact, even as Chessman was drawing his last breath of cyanide gas, a federal district court judge in San Francisco was attempting to order yet another stay, for one hour. But the

guessed that Chessman had made the delays himself, and therefore he had only himself to blame—or thank—for his extra years of life.

Not all cases of delay are as well known as Chessman's. Some quietly sit for months and years without much attention from the press. Such was the case with Saul I. Birnbaum.

Birnbaum, a wealthy New York tax accountant, was indicted in 1961 on charges of bribing a tax agent. He was tried and convicted in 1963, and then began a fantastic series of appeals, prepared by some of the top lawyers in the East, including Simon Rifkind, Joseph Brill, David W. Peck, Jerome J. Londin and Alan M. Dershowitz, all expert—and expensive—criminal lawyers.

In 1964, Birnbaum's legal representatives managed to have the first trial thrown out on technical grounds. A second trial was held in 1966, and Birnbaum was again convicted. A one-year sentence was imposed on April Fools' Day, 1966. The sentence was appealed in 1967, 1968 and 1969. In 1970, the Circuit Court of Appeals rejected Birnbaum's appeal on the ground that it was based on "equivocal, flimsy and ephemeral" contentions.

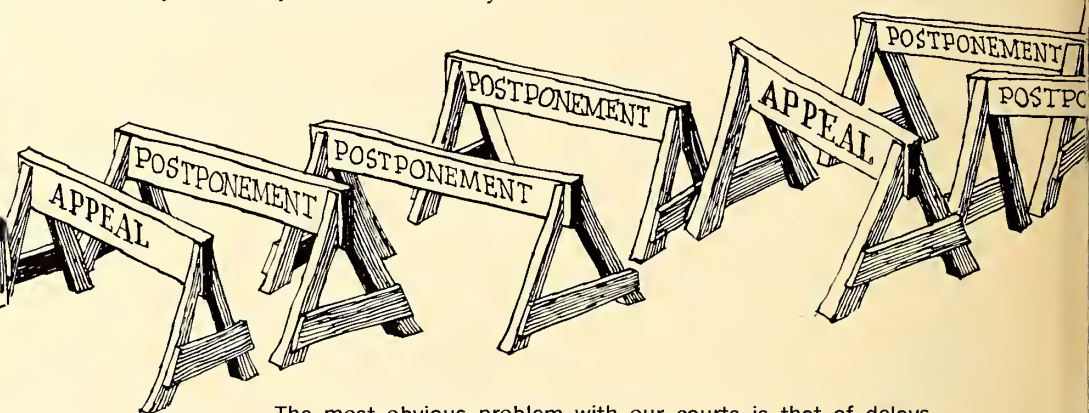
On April 20, 1970, the U.S. Supreme Court refused to consider the appeal, and Birnbaum was ordered to begin serving his sentence on May 19. But he won a delay until May 26, when his lawyers



Delay can be a punishment for the innocent as well as a boon to the criminal guilty.

Croake's decision to deny the application for still further postponement of sentence.

One more case of delay which seems to benefit the defendant is that of magazine publisher Ralph Ginzburg, who was convicted on a pornography charge in Philadelphia in 1963. He was sentenced to spend five years in prison on the charge, which involved the magazine



The most obvious problem with our courts is that of delays.

judge's secretary dialed a wrong number, and the call came to San Quentin seconds too late to save Chessman's life again.

Chessman had delayed his execution so long that many people felt the delay itself constituted cruel and inhuman punishment. No man, they argued, should be allowed to sit for so long on death row, with the constant threat of the gas chamber only a short walk away. If the system failed to act more quickly, then the system was giving Chessman a punishment worse than death. But others ar-

said they were asking the Supreme Court to review its decision.

When the final two-week delay was ordered, The New York Times printed a lengthy story on the delays in the Birnbaum case, and, on May 26, Federal Judge Thomas F. Croake ordered Birnbaum to start serving his sentence—nine years after the original charges were filed—despite vigorous pleas by attorney Londin for still another postponement. Londin later said he felt that the glare of publicity had influenced Judge

"Eros," a publication called "Liaison Newsletter," plus the book, "Housewife's Handbook of Selective Promiscuity."

Ginzburg appealed all the way to the U.S. Supreme Court, which denied his petition for a reversal in 1966. For most defendants, a turn down by the Supreme Court means the end of the appeal. But for Ginzburg it simply meant the beginning of a whole series of appeals on the appeal.

The original trial court denied Ginzburg's motion for a rehearing, but the



United States Court of Appeals for the Third Circuit in Philadelphia ordered a hearing to be held. Circuit Court Judge E. Mac Troutman converted two years of Ginzburg's five-year sentence to probation, and ordered the publisher to serve three years in prison.

Judge Troutman invited Ginzburg to comment on the decision; but Ginzburg's only comment came after court, when he told newsmen that he would appeal Troutman's decision along with all the rest.

time, and had nothing to do with any drug activity. He was arrested with several others on an assortment of narcotics violations, however, and was taken to New York Criminal Court the next day for arraignment.

Through a series of errors and omissions, Elkins was arraigned without counsel. The judge set bail at \$500—more than Elkins could raise—and ordered a hearing on the case for March 23. Elkins was taken to Manhattan's famous "Tombs," the House of Deten-

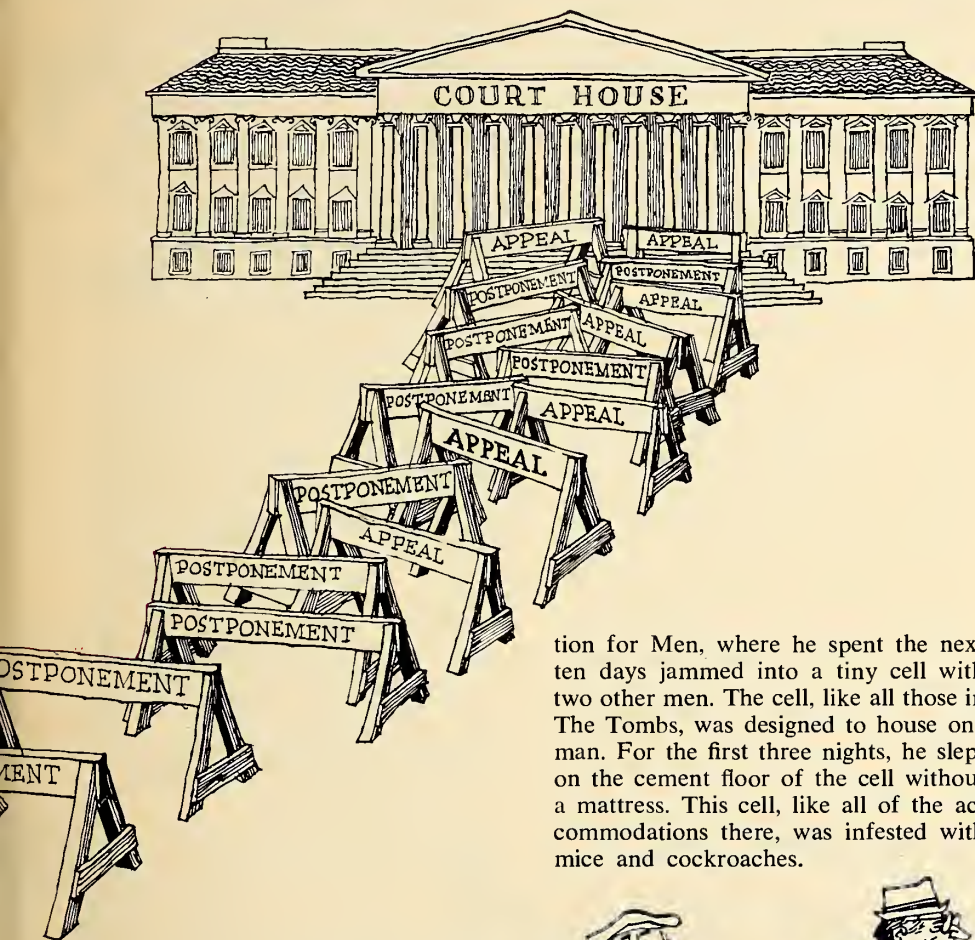
When Elkins' case finally came before the court, the judge dismissed charges against him in a hearing that lasted exactly two and a half minutes. If the New York Criminal Court system had been able to give Elkins a speedy hearing—the same day as his arraignment, for example, or perhaps the next day—he would not have had to suffer nearly two weeks in The Tombs.

Elkins' case is an example of a bad situation, but the case of John Garrett and Gerard Gaines is a better example—Garrett and Gaines spent not ten days, but two years in the same prison on faulty grounds.

The two men were arrested on Jan. 9, 1968, charged with the murder of a Harlem bartender and remanded to The Tombs to await trial. Because of the nature of the charge no bail was set—accused murderers are not eligible for bail unless there is some unusual, extenuating circumstance. There was none in this case.

Murder trials ordinarily take more time to prepare than others—it is not uncommon for a murder suspect to wait a year or more for his trial in New York City. Garrett and Gaines were still in prison, still awaiting their trial, still protesting their innocence, in the spring of 1970.

Then, on March 30, Manhattan District Attorney Frank Hogan announced he had learned that another man had committed the crime. The murder charges against Garrett and Gaines were dropped. Garrett went free immediately; Gaines was transferred to a federal



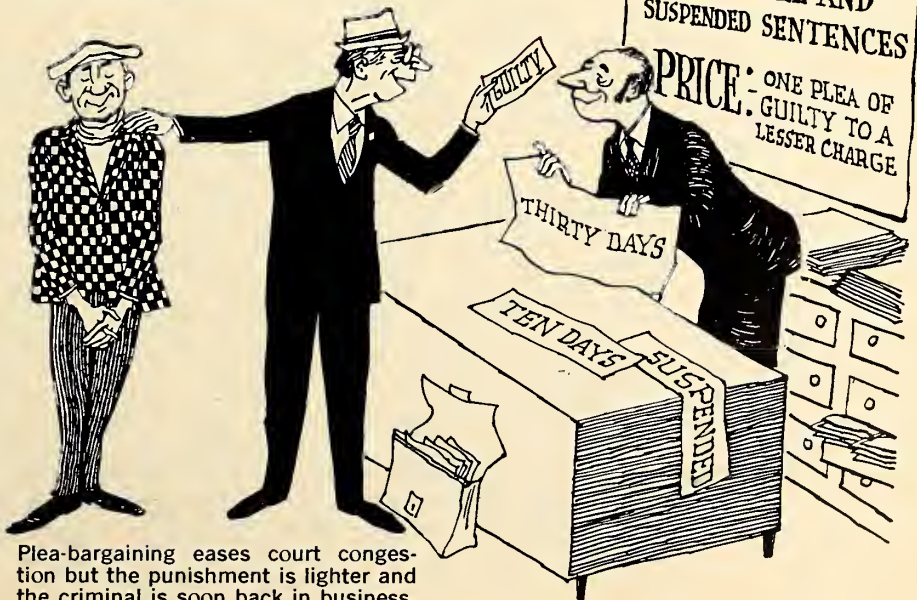
tion for Men, where he spent the next ten days jammed into a tiny cell with two other men. The cell, like all those in The Tombs, was designed to house one man. For the first three nights, he slept on the cement floor of the cell without a mattress. This cell, like all of the accommodations there, was infested with mice and cockroaches.

As of that point—seven years after his original conviction—Ginzburg had yet to serve a single day in prison; as of this writing the situation remains the same.

Because the American system of justice gives the benefit of every doubt to the defendant, most delays in court action work to the benefit of the accused. But there are other cases, too, where delay can be a cruel punishment to an innocent man. Two recent New York City cases are examples of situations in which justice delayed was justice denied.

The first involved a young man named Theodore Elkins, who was arrested during a drug raid on an East Village hippie pad on March 13, 1970.

As it turned out, Elkins just happened to be sleeping in the apartment at the



Plea-bargaining eases court congestion but the punishment is lighter and the criminal is soon back in business.



## CONTINUED The Mess in Our Criminal Courts

prison to serve a six-month sentence on an unrelated drug charge.

The Presidential Commission's Task Force Report contains a model timetable for the processing of felony cases. While the report does not offer any hard and fast methods of guaranteeing speedy justice, the timetable does lay out a schedule of the absolute maximums which should be allowed for each step of the procedure. "Adherence to this timetable would result in the disposition through trial of almost all criminal cases within four months and the decision of appeals within an additional five months," the report states. "While any time limit is somewhat arbitrary, nine months would appear to be a reasonable period of time to litigate the typical criminal case fully through appeal; it would be difficult to justify any longer period."

In one recent development, New York City Mayor John V. Lindsay, acting through Corporation Counsel J. Lee Rankin, said that a delay limit of six months would not be unreasonable:

"Greater responsibility should be placed on the district attorneys, the courts and defendants' counsel for bringing defendants to trial quickly," Rankin wrote, in a brief submitted to the Second Court of Appeals.

"To accomplish this we recommend that a time period of six months be fixed as a measuring stick to determine whether delay caused by court congestion or other factors not constituting good cause is undue or excessive. When a new case is held for trial longer than six months, the burden should be placed on the prosecution to show good cause for the delay. . . ."

In other words, if the system fails to put up a case in six months, then it ought to shut up—and drop charges.

The city's brief and many others will be considered by the appeals court, which is considering the case of Calvin Frizer, a man who was held in prison more than a year before his trial on burglary and attempted grand larceny charges. Frizer claims his Sixth Amendment rights were violated by the lengthy delay. The case has drawn wide judicial attention, and could result in a landmark decision later this year.

The administration of justice is at the heart of most problems of delay, and much of the hope for solution to these problems lies in the area of new administrative techniques.

America's court system was conceived and established late in the 18th century, and it quickly proved itself to be an efficient, fair and even a near-perfect insti-

tution. But that was over 200 years ago, when America was clip-clopping along through the Horse-and-Buggy Era.

Now there is chaos in sheer numbers. In Colonial days, all of the courts in America—they were the King's courts, then—probably didn't deal with more than 100 cases a month. But our criminal courts today undoubtedly deal with several million cases a month. In New York City alone, according to some estimates, there are upwards of 450,000 criminal actions every year (no statistical records are kept, so estimates are necessary). Sometimes, on an extra-busy Monday morning, every one of the more than 50 criminal courtrooms is packed, with standing room only outside in the hallways. In a recent year in Baltimore, the number of criminal charges brought by police passed 62,000—it is estimated that today the number is well over 75,000. The situation is the same in cities all over the nation, and it is even becoming common in many suburban and rural courts.

The courts, especially those in big cities, have been unable to deal with the increased work loads. They simply fall farther and farther behind as the cases pile up. A study of the New York City courts showed, in fact, that the more cases shoved into the court system, the fewer the courts were able to handle! In 1968 there were 18% more Criminal Court cases than in 1959; but the courts disposed of 19% fewer cases in 1968 than in 1959, despite the addition of 20 judges.

But the real crusher to New York City came on June 23, 1970, from no less a body than the U.S. Supreme Court, in a ruling in the case of Robert Baldwin.

Baldwin had been charged with "jostling," the charge which is lodged against attempted purse-snatchers under New York State law. Since the charge carries a maximum sentence of one year in prison, Baldwin's case was heard in New York City's lower court, the Criminal Court, where there are no juries. In New York, juries are available only in the next highest court, the Criminal Division of State Supreme Court, where more serious charges—those carrying maximum sentences of more than one year—are litigated.

Baldwin received the maximum sentence, one year, and his Legal Aid Society attorneys appealed all the way to the Supreme Court. The high court ruling said that the Constitution guarantees jury trials to everyone facing a maximum sentence of six months.

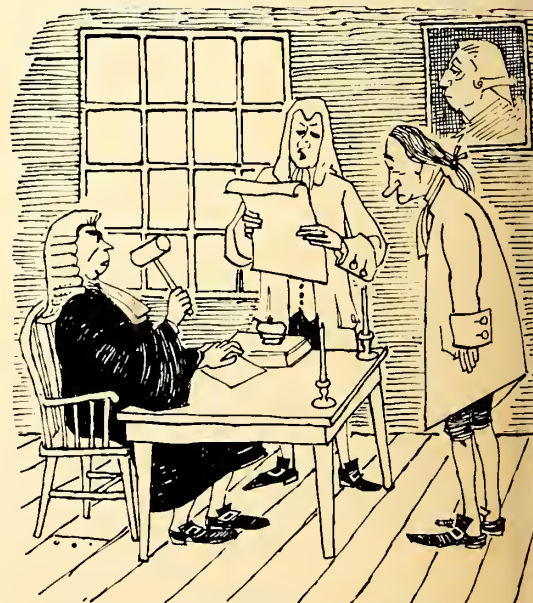
The ramifications of that ruling in New York City, the only city in the nation with the no-jury rule in cases with one-year maximum sentences, were expected to be disastrous.

Immediately, the Legal Aid Society, which represents the vast majority of defendants in New York, demanded jury trials in all cases involving one-year maximums. The Criminal Court, faced with assembling many more juries, appeared on the brink of grinding to a complete halt because of the Supreme Court's ruling.

Judge Vincent Massi, assistant administrative judge of the lower court, said he did not know what would happen. "We have no law that will allow us to call jurors," he said. "We have no facilities. We can only adjourn the cases for the time being and await guidelines from the State Judicial Conference."

Actually, if everything went smoothly from an administrative standpoint, New York City could easily provide jury trials for all people entitled to them. But, in New York City, and in every other city, state, county and municipality which operates a criminal court system, nothing ever seems to go that smoothly.

The reason is the difficulty of readying cases for trial. In order for a case to be tried, several people have to be assembled in the same courtroom at the same time: the judge; the prosecution and defense witnesses; police officers or various types of expert witnesses; a clerk; various attendants; a stenographer. If any one of the individuals is absent, or if a bit of vital evidence such as a laboratory report is missing, the case must be postponed. Frequently, judges spend the entire day calling case after case, never



In Colonial America, courts dealt with perhaps 1,000 cases a year.





Defendants' disruptive behavior so threatened judicial processes that the Supreme Court gave judges power to curb it.

managing to get a single case together for trial.

This leaves precious little time to try the cases that are ready to proceed. "Sometimes cases are—and must be—heard and disposed of in a matter of minutes; in the common categories of drunkenness and vagrancy they may be heard and disposed of in seconds," says the Task Force Report. "The reverse side of this situation is that defendants who demur and demand a more delib-

erate examination of their cases often have to wait—in jail if they cannot post bail—before the court can find time for them."

There is another side of this dilemma. Because there are too many unready cases, some judges don't have enough work to keep them busy. In many courts, a judge calls his entire calendar in an hour or two, and never hears a single case. Because of bad administration, he has nothing to do but sit in his chambers twiddling his thumbs—or take off early and enjoy a round of golf.

One study found a group of criminal court judges in New York who worked an average of 3 hours 10 minutes on a normal day. Another placed the criminal court judge's bench time at 2 hours 15 minutes as a nationwide average.

For several years, it has been obvious to some court experts that computerized systems could be of tremendous help in the area of calendar control. Norbert A. Halloran, a District of Columbia lawyer who worked for 15 years in the field of systems management for both government and private industry, wrote in a recent report that computers "can schedule proceedings to obtain better use of judges and courtroom time and to prevent attorney conflicts and fruitless appearances. They can prepare court docket records, indexes, notices and reports. They can be used to monitor criminal prosecutions, check on procedural delay, review pretrial detention, and to assign counsel. . . ."

Yet despite the clear need for modern, computerized systems, most courts have failed to make use of these powerful, 20th century tools. Indeed, most courts are just getting around to study-

ing the possibility of using computers.

The picture is not all bleak, however. Many studies are under way at last, and when they are completed and new systems are put into operation, the courts should be speeded up considerably and be better able to dispense justice.

Of course, the most basic reason for all the woes of our criminal courts is neither judicial nor administrative, but political.

The people who control the public purse strings have assigned one of the lowest priorities to our court systems.

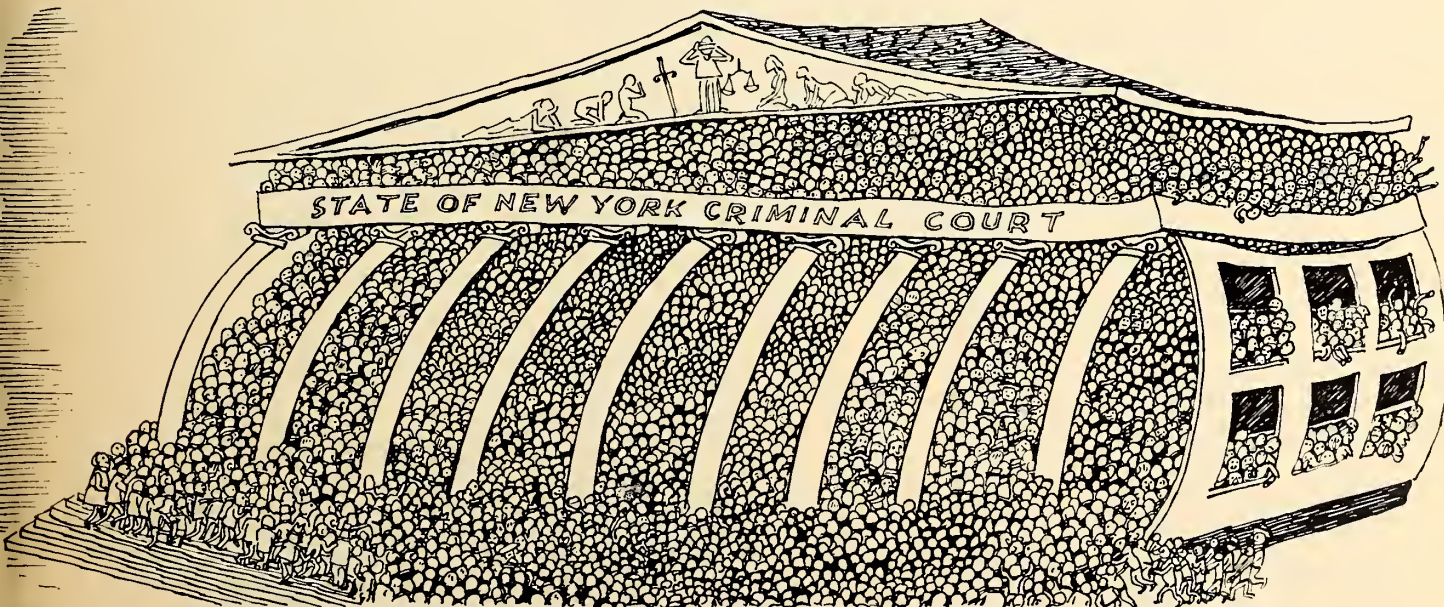
Nationally, defense and highway construction are top priority items. Farm subsidies, harbor clearance projects and dam construction all are more quickly funded than new courthouse construction or larger staffs for U.S. Attorneys' offices.

On the state level, the priorities are again roads and highways, railroad subsidies, mental health institutions.

Locally, the available funds go to schools, to police, to welfare, to sanitation services.

No politician seems to put a high priority on courts. And the problem is complicated by the fact that in most cases the legal establishment is reluctant to lobby for funds. Welfare workers have picketed city halls for more welfare funds. Even policemen and firemen have threatened strikes. But it would be unseemly for judges or lawyers to picket or lobby. Decorum wins out. The courts remain poor.

The resulting bind can be frighteningly frustrating. In fact, it defeated the judge in charge of the New York City Criminal Court system. Administrative  
(Continued on page 39)



But the same system, established 200 years ago, cannot cope with present-day judicial jam-ups.



# NEWSLETTER

A DIGEST OF EVENTS WHICH  
ARE OF PERSONAL INTEREST TO YOU

OCTOBER 1970

## PRESIDENT SIGNS DISABILITY COMPENSATION INCREASE LAW:

The President has signed PL91-376, the disability compensation bill which cleared Congress on July 30 . . . Retroactive to July 1, 1970, the new law brings increases in disability compensation to (1) service-disabled veterans and (2) to dependents of those veterans rated at 50% or more disabled . . . The tables below give most actual before-and-after monthly dollar figures for war-time compensation and dependency allowances . . . Peace-time figures are 80% of the war-time rate.

As we went to press, the Veterans Administration planned to deliver August checks for distribution on September 1 at the old rate . . . A retroactive makeup payment for the difference in July and August benefits was to be delivered in the first half of September . . . The September check for delivery on October 1 would reflect the new rate.

Disability	From	To
10%	\$23	\$25
20%	43	46
30%	65	70
40%	89	96
50%	122	135
60%	147	163
70%	174	193
80%	201	223
90%	226	250
100%	400	450

The table below shows the increased allowance for dependents of veterans rated 100% disabled . . . For veterans who are rated 50, 60, 70, 80 or 90% disabled, dependency allowances will be paid in the same ratio their ratings have to the amount paid for 100% disability . . . (Thus a veteran 50% disabled and having a wife but no children would receive 50% of the \$28 figure shown below, or \$14, for his dependent.)

Classification	From	To
Wife, no child	\$25	\$28
Wife, 1 child	43	48
Wife, 2 children	55	61
Wife, 3 children	68	75
Each add'tl child	13	14
No wife, 1 child	17	19
No wife, 2 children	30	33
No wife, 3 children	43	48
Each add'tl child	13	14
Mother or father, ea.	21	23

Some other features of the bill . . . Certain specific diseases related to dietary deficiencies will be presumed to be service-connected for veterans who were prisoners of war for six or more months of Japan or Germany during WW2; North Korea during the Korean War; North Korea, North Vietnam or the Vietcong during the Vietnam War . . . These veterans will also be granted a two year presumptive period after discharge for service-connecting psychosis . . . Eligibility to receive pension, DIC or compensation will be restored to widows of deceased veterans who remarry if the second marriage is terminated by death or divorce.

## VERMONT AUTHORIZES BONUS FOR VIETNAM ERA VETERANS:

Vermont is the eighth state to approve payment of a Vietnam era veterans bonus . . . Generally speaking, all residents of Vermont who served honorably in U.S. armed forces after Aug. 5, 1964, and resided in Vermont at the time of enlistment or induction are entitled to the bonus payment . . . The bonus is paid at the rate of \$10 per month of service not exceeding 12 months served in the armed forces . . . In the event of the veteran's death, his bonus will be paid to his wife, his children or his parents . . . In cases where the serviceman dies while in service, the sum of \$120 will be paid to next of kin . . . Service of six months or less for the sole purpose of training will not be qualifying . . . For application forms and further information, contact: Military Department of Veterans' Affairs, State Veterans' Affairs Office, City Hall, Montpelier Vt. 05601.

## HELP FOR HURRICANE CELIA VICTIMS:

When Hurricane Celia slammed through southern Texas this summer some 65,000 families suffered loss, many of them veterans . . . Legion post homes in that area were asked to open their doors to provide shelter for those whose homes were damaged or destroyed . . . The American Legion advises that those who wish to help can do so by contributing to The American Legion National Relief Fund, P. O. Box 1055, Indianapolis, Ind., 46206.



# NEWS OF THE AMERICAN LEGION

AND VETERANS AFFAIRS

OCTOBER, 1970

## Legion Shows Its Vitality With Climbing Membership

Sixth straight year of gain recorded; by Aug. 18, 42 dep'ts surpassed 1970 quotas, 36 beat last year's mark and seven set new all-time highs; National Membership Workshop cited as prime force behind gain.

On the eve of its 52nd Annual National Convention in Portland, Ore., membership in The American Legion (as of Aug. 18) had climbed to 2,677,878, a gain of 24,035 over the same date a year ago and some 10,000 beyond the 1969 full year total of 2,667,453. Thus, 1970 could already be counted as the sixth straight year of gain.

And, with four months remaining to get all 1970 members in the fold, it appeared the Legion would handily pass the 2,700,000 mark, a level not reached since 1959.

As we went to press, 42 departments had surpassed their quotas for 1970. 36 departments had beaten their last year's mark and seven departments—North Dakota, Minnesota, Mexico, Maryland, Puerto Rico, Hawaii and Florida—had set new all-time highs.

It is difficult to come up with exact reasons for the climbing enrollment curve but generally it could be said that a large portion of it was due to the signing up of Vietnam era veterans. It is estimated about 300,000 are now in Legion ranks of the 3½ million who returned to civilian life since the Vietnam War began (some 940,000 in 1969 alone). Part of the general increase could also be attributed to the resurgence of patriotism now taking place in the nation.

But, probably the chief reason in back of the continuing enrollment success story—even in the face of a rapidly rising WWI veteran death rate due to old age—is the Legion's annual membership conference held at National Headquarters in Indianapolis just prior to each membership campaign year. It is not merely coincidence that membership has been rising for six straight years and that this is the Membership Workshop's seventh straight annual conference.

The most recent workshop took place Aug. 6-7. Over 220 Legionnaire membership representatives from around the nation attended the two-day seminar at which they exchanged ideas, analyzed

problems and formulated plans for the 1971 "Reach Out" enrollment campaign. They explored such topics as leadership training, public relations, Vietnam era veteran contact work, post organization and utilization of manpower in search of solutions, methods and patterns that would continue or expand the enrollment rate in their particular areas.

After keynote greetings by National Commander J. Milton Patrick, and National Membership Chairman William J. Gormley (Pa.), the workshop delegates were led through fast-paced information-packed sessions by National Membership Director J. Lloyd Wignall, and Nat'l Hq staff members.

Delegates observed a model post membership committee meeting in action as Headquarters staff members played the roles of membership chairman, post commander, post adjutant, post service officer and Viet-vet committee chairman in order to show how to properly handle these various Legion offices.

They got specific guidelines on how posts can set and reach goals by utilizing management techniques from business experts of the Indiana University Graduate School of Business. Drs. Edward J. Kuntz, Edgar G. Williams, Mitchell S. Novit and Professor Thomas R. Bossart presented "Management by Results," an administration development program for Legion officers. The program specifically analyzed most objectives desired by post leaderships and suggested realistic ways to achieve those goals.

Basically, "Management by Results" is a management by objectives type of approach. Since all organizations are formed to accomplish some task, they must be considered goal-directed.

The experts outlined four steps in setting objectives. They are: (1) es-

### The American Legion's King-sized Posts

Here are the 31 posts having 2,000 or more 1970 members as of June 30, 1970.

Post	City	Department	Membership
1. Wayne E. Marchand Post 28	Koza, Okinawa	Hawaii	7,020
2. Lincoln Post 3	Lincoln	Nebraska	6,298
3. Minneapolis-Richfield Post 435	Richfield	Minnesota	6,259
4. Leyden-Chiles-Wickersham Post 1	Denver	Colorado	4,875
5. Omaha Post 1	Omaha	Nebraska	4,613
6. Lowe-McFarlane Post 14	Shreveport	Louisiana	4,074
7. Alonzo Cudworth Post 23	Milwaukee	Wisconsin	3,778
8. Westphal Post 251	Robbinsdale & Crystal	Minnesota	3,728
9. Claude A. Thorp Post 10	Clark Air Base, Pampanga	Philippines	3,701
10. Gilbert C. Grafton Post 2	Fargo	N. Dakota	3,392
11. Adam Plewacki Post 799	Buffalo	New York	3,255
12. East Liberty Post 5	Pittsburgh	Pennsylvania	3,249
13. Hanford Post 5	Cedar Rapids	Iowa	3,133
14. Harvey W. Seeds Post 29	Miami	Florida	2,903
15. Nicholson Post 38	Baton Rouge	Louisiana	2,781
16. Oklahoma City Post 35	Oklahoma City	Oklahoma	2,628
17. Braxton-Perkins Post 25	Newport News	Virginia	2,483
18. Nashville Post 5	Nashville	Tennessee	2,445
19. Memphis Post 1	Memphis	Tennessee	2,342
20. Los Angeles Police Post 381	Los Angeles	California	2,330
21. Hickory Post 48	Hickory	N. Carolina	2,260
22. Parkville Post 183	Parkville	Maryland	2,254
23. Sioux Falls Post 15	Sioux Falls	S. Dakota	2,241
23. M.M. Eberts Post 1	Little Rock	Arkansas	2,241
25. Summers-Whitehead Post 14	Chattanooga	Tennessee	2,221
26. Lloyd Spetz Post 1	Bismarck	N. Dakota	2,152
27. Luke-Greenway Post 1	Phoenix	Arizona	2,133
28. Hammond Post 3	Kingsport	Tennessee	2,101
29. Commonwealth Edison Post 118	Chicago	Illinois	2,059
30. William G. Carroll Post 26	Minot	N. Dakota	2,005
31. Carson-Wilson Post 1	Tulsa	Oklahoma	2,001



establishing the objective, (2) methods of accomplishment (3) time period in which to accomplish and (4) results expected and how they will be measured.

The essence of this type of management is to take the overall goals of the post and translate them into a manageable plan of action so that each committee chairman has a clear, unambiguous goal for his particular area of responsibility—a goal that is in keeping with the overall organizational objectives.

In a talk entitled "Service First—Membership Second," W. F. Lenker, Chairman of the Legion's National Rehabilitation Commission, told workshopers; "The post is the heart and the starting point of our accomplishments in the field of rehabilitation. It is at the post that the needs of our disabled comrades are first recognized and evaluated. It is at the post that the new ideas and concepts for improving our rehabilitation program are born." He urged posts to establish permanent service or rehabilitation committees if they did not have them and to assist Vietnam veterans as well as veterans of other wars. He called for contact with young people entering the armed forces, while they are away and when they return, offering Legion services to assist their readjustment to civilian life. He asked that rehab committees keep up to date on veterans bene-

Lenker: "If we provide the service, the membership will come."

Stressed during the conference was "post visibility." Translation: community service. In other words, post meetings should be mainly concerned with what the Legion post can do for the community in which it is situated and not solely with internal housekeeping and other problems which should be relegated to the executive committee.

The post should be visible. Its actions should be outward oriented toward promulgating Legion programs and goals to benefit citizens and communities. Recognition of these community service efforts should naturally follow from community media.

An example of such a program is detailed in another story in this news section entitled Progress Report: Jobs for Veterans.

### Progress Report: Jobs for Veterans

In the August issue, News of the Legion announced a 14-state pilot program being instituted by the Legion in an effort to help get jobs for Vietnam era veterans. It was hoped that the area programs would be in operation by Veterans Day, 1970, and serve as models for a nationwide program of more ambitious scope. The 14 original pilot states are: Georgia, Kansas, Minnesota, Nebraska, North Carolina, North Dakota, New Hampshire, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota and Texas. Three more—Illinois, Utah and Wyoming—have since been added to the pilot program.

Here is a progress report from some of the states which were able to get cranked up by mid-August.

**Minnesota:** Department Adjutant Frank Momsen reported that Duluth had been selected as the first city in that state to initiate a program.

Meetings were held with Veterans Employment Service representatives of the U.S. Department of Labor and also with the Department of Manpower Services. Eighteen Legionnaires, representing five of Duluth's eleven posts were on hand. Both the Duluth News Tribune and the Herald covered the story and carried articles.

The introductory meeting named committee officers to pursue the subject and set up an organizational meeting for an early future date at which it was planned to have on hand representatives of service organizations, labor and some industrial concerns, along with a representative of the Duluth mayor's office. They hoped to be able to stage a person-to-person contact program early in October.

**North Carolina:** Department Adjutant J. Carroll Wilson reported that the



A way of life that appealed to the late Roscoe Turner is exemplified by this photo, which he admired greatly. It was taken by his nephew, an Army veteran.

North Carolina Legion selected 11 cities for its "Job Help" trial program. Department headquarters wrote letters to the mayors of the 11 cities and to the Veterans Employment Representatives in those areas asking that mutual cooperation be established on contact and that a "Veterans Job Help Day" be set up in each community under the mantle of the mayor's office with the help of the Legion, local civic organizations, the Chamber of Commerce and members of industrial commissions, etc.

It was hoped that the committee in each city would then be able to meet on "Job Help" day to review resumes of returned veterans or meet them in person with the end result being that veterans would get jobs or at least be in a favored position to be considered for employment. Cooperation was also solicited from North Carolina's State Employment Security Commission. The 11 cities were: Wilmington, Tarboro, Charlotte, Hickory, Asheville, High Point, Lumberton, Elizabeth City, Fayetteville, Sanford and Durham.

**North Dakota:** Since Minot has a large U.S. Air Force Base and a constant flow of military separations and retirees seeking employment, the Department of North Dakota selected this city for a trial program. Contact was made with the U.S. Veterans Employment Representative, the State Employment Service and William G. Carroll Post 26 asking that their mutual cooperation be extended, reports Department Adjutant Verne Useldinger.

**Ohio:** Department Adjutant Pat Hone of this department reports that its program is named "Jobs For Veterans-Ohio" and that a pilot operation was to be scheduled for the Cincinnati area during the middle of September. The department was sending its public relations director and state service director to co-



Post 1080, Joliet, Ill., put up an Eternal Flame at the new Will County Court House. The post and auxiliary dedicated it to all who have served their country.

fits, follow up on Vietnam casualties and offer Legion help.

Summing up, he noted that the service officer is the backbone of The American Legion's Rehabilitation program and an important contributor to the success and prestige the Legion enjoys today. Said



ordinate the initial program and arrange for press, television and radio coverage. Legion district commanders and Veterans Employment Representatives of the areas involved were also clued in at meetings and were set to assist in the program along with the State Bureau of Employment Services.

In addition, the VA Regional office in Cleveland was poised to cooperate with the Legion in a similar program in that area.

Two other "Job Fairs" conducted by the VA and other government agencies in Ohio had earlier met with success. Over 40 employers had representatives on hand at the Co'umbus "Job Fair" to interview some 500 veterans interested in jobs.

Though the Department of Missouri was not one of the original pilot areas for the program, it had already scheduled a Job Fair during October in cooperation with the Department of the Army, the Missouri State Employment Service, the U.S. Civil Service and the Veterans Employment Service.

Cooperation of local Veterans Employment Service representatives with Legion and other representatives has already been arranged through the transmission of a letter by VER National Director Edward Omohundro to 2,200 employment offices around the nation informing them of the formation of the Job For Veterans program.

Here's the nucleus of a plan that may spark Legion posts and districts to get a local assistance program in motion:

- Contact the nearest Veterans Employment Service Representative and/or U.S. Employment Service. Issue invitations to a post meeting and discuss ways and means of securing jobs for returning servicemen. Find out how to reach new veterans and make effective personal contacts. Discuss information that would be most helpful in outlining skills, training and job preferences of new veterans. Set up regular channels of communication.
- Contact civic, fraternal, church and other community organizations asking for assistance.
- Get local municipal help, cooperation and use of public facilities.
- Help returning veterans to prepare job resumes. Check to see whether job openings exist for veterans. Arrange meetings of interested parties. Leave space on a post bulletin board for job openings or needs.
- Work out a procedure with the VER to canvass organizations in order to match jobs with veterans.
- Check on training opportunities that could improve new veterans prospects and urge that they take such training.
- Hold job-counseling meetings.
- Emphasize that the service is free.

- Circularize job openings.
- Follow up on job contacts to make sure a good result is obtained.
- Contact newspapers, television and promotion. They would be glad to provide a needed public service to the citizens of their community.
- Women's auxiliary organizations would be happy to provide refreshments at meetings, guidance counseling and job fair sessions.

Employers and Legion posts and districts wishing to participate in the Jobs For Veterans program should contact The American Legion's Economic Division, 1608 K St., N.W., Washington, D.C. 20006, attention Austin Kerby, Director.

### Important Future Legion Dates

Here are the dates of some important future national Legion meetings as scheduled right now:

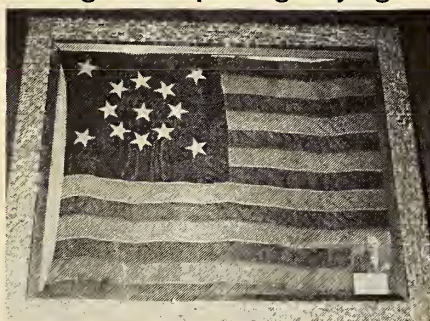
**1970 Fall Meetings, Nat'l Hq. Indianapolis, Ind.:** Department Commanders and Adjutants Conference and National Commissions and Committees, Oct. 19-20, 1970; National Executive Committee, Oct. 21-22, 1970.

**1971 Washington Conference:** Feb. 13-17; National Commander's Dinner to the Congress of the United States, Feb. 16.

**1971 Spring Meetings, Nat'l Hq. Indianapolis, Ind.:** National Commissions and Committees, May 3-4; National Executive Committee, May 5-6.

**1971 National Convention:** Aug. 27-Sept. 2, Houston, Tex.

### Legion Keeps Flags Flying



Post 54, Colo.: Original Thirteen?

Believed to be an original flag of the 13 states, this flag (in photo) was given to the Pioneer Museum of the Gunnison County (Colo.) Pioneer & Historical Society by Post 54 of Gunnison a few years ago. Previously owned by the E. L. Miller estate, the flag was apparently given to the post on Dec. 19, 1937.

**Post 159, Venice, Fla.,** periodically unfurls a 122-year-old, 30-star flag given to the post by Gordon Kelz. Apparently intended for display atop a government

building, the flag is about 14 feet long.

About three years ago, **Post 95, Vandalia, Ill.,** started an Avenue of Flags



Post 95, Vandalia, Ill.: Avenue of Flags

project—a double row from the main street all the way to the cemetery and along all roads in the cemetery, and around the Legion post . . . 227 flags and still coming in. "We put a brass plate on each flag designating in whose honor it was presented, name of service, which war, and name of donor. We have mounted them on masts and have a pipe in the ground set in concrete for each," says Post Adjutant LaVerle Knebel.



Post 102, Minn.: Flags for busy streets

**Post 102, Anoka, Minn.,** with aid from some business firms, purchased flags and brackets for light poles throughout several blocks of the downtown area. The Legion installed the flags and will have the responsibility of displaying them at proper times. In the photo, l. to rt., are Post Cmdr Bud Westlie, 2nd VC Pete Lish, and Mayor Elliott Perovich.

**Post 12, Frankfort, Ind.,** observed Flag Day with a near full page ad in the newspaper entitled "A Salute to the Stars and Stripes" that explained the flag and gave flag etiquette rules.

**Post 1504, Belfast, N.Y.,** has had a floodlighted flag flying 24 hours a day for the past year. **Post 355, Penn Yan, N.Y.,** informs that Mayor John Tusch proclaimed the period of Memorial Day to July 4 as American Flag Days.

**Post 238, Holt, Mich.,** presented a fringed flag to the high school for the ceremonial dedication of the new school auditorium.





Post 838, N.Y., works with CWV and VFW.

**Post 838, Clarence, N.Y.,** along with the local CWV and VFW posts, formed the Unified Veterans of Clarence to work on various projects. One was the distribution of 2,000 bumper stickers (showing the flag and "Long May It Wave"). Another project was a monument (see photo) with a plaque reading, "This memorial is dedicated to honor the memory of those who paid the supreme sacrifice and all who served in the Korean and Vietnam conflicts in the search for world peace." In the photo are, from the left: Harold Enstice, Legion; Mel Bosard, CWV; and Jack Mosapaw, VFW.

**Post 57, Saltsburg, Pa.,** erected and dedicated a Memorial and flagpole at the post home. Seals of the six branches of the services are engraved around the octagon-shaped portion, while the high granite part has the Presidential seal and the following inscription: "Dedicated to the men and women of the Armed Forces who served their country in all wars and to those who gave their lives in the defense of freedom."



"With the seals of the six services . . ."

**Post 13, Haworth, N.J.,** presented an

aluminum flagpole, a gift of the Auxiliary, in memory of its first commander, Frederick W. Schmidt, to the Haworth Fire Dep't at the dedication of its renovated Fire House.

**Post 271 and Post 986, Chicago, Ill.,** dedicated an Avenue of Flags in memory of all veterans of all wars—50 flags plus a main flagpole and two smaller ones that carry the Legion and church flags. The 20-foot flagpoles are of aluminum. The entire project cost over \$5,000. The two posts are planning a second "Avenue" next year at another cemetery.



Posts 271, 986, Ill.: Ground breaking

**Post 602, Spring City, Pa.,** gave troop flags and American flags to the Spring City Scout troops. At left in photo is Post Cmdr Ellis Beard; at right is Cyril Yeager, who organized the project for the Legion.



Post 602, Pa.: flags to Scout troops

**Post 204, Norfolk, Va.,** gave a flag to Pack 38, Den 4, Cub Scouts. In the photo are PCmdr A.J. Tiliage, Mrs. Norman Jordan, Den Mother, the Scouts, and one interloper.



To the Cub Scouts from Post 204, Va.

### Job Fair for Veterans

More than 500 veterans registered at the first Job Fair for Veterans held at Columbus, Ohio. Designed to bring re-

turning or soon-to-be-discharged vets and prospective employers together, the Fair was a joint effort of the Veterans Administration, the Transition Unit of Lockbourne AFB, and the Ohio Bureau of Employment Services. Forty-two employers or their representatives interviewed veterans interested in jobs. Basically, the intent was to give employers an overall view of the talents or skills of the vets that might warrant civilian employment.

Applicants completed a simple form or brought along an additional resume so that interviewers might evaluate their qualifications for future employment. Generally, the Fair was termed a success. In addition to possible employment locally, a number of the firms also have plants elsewhere.

### Legion Press Awards

**The Badger Legionnaire**, of Milwaukee, Wis., has won The American Legion Press Assoc. award for Best All-Around Publication (Unlimited category) for 1970. Robert Wilke is the editor. **The Michigan Legionnaire** and **The Arizona Legionnaire** won second and third prizes. All three are department publications.

**The Spirit of 73**, Post 73, East Orange, N.J. (Arthur Gabosch, editor), captured top honors in the Best Post Publication category. Second and third place winners are **Lamm Lights**, Post 522, Williamsville, N.Y. (Robert Fox, editor), and **The Alhambra Legionnaire**, Post 139, Alhambra, Calif. (J. V. Moore, editor).

**Feminaires**, Service Women's Post 404, St. Louis, Mo. (Mrs. Edith Sawon, editor), won top honors and the Jack R. C. Cann Plaque in the Best Stencil Produced category. **Splinters**, Post 252, Greenwood, Ind. (William and June Russell, editors), and **Seabag**, Naval Post 372, Chicago, Ill. (Thomas Donahue, editor), took second and third places.

Chester Shore, editor of **The Montana Legionnaire**, won the Best Editorial category.

ALPA President Richard Parks reported that more than 130 publications were entered in the 1970 competition, a 33% increase over the previous year.

### Law & Order Recognition

**Post 124, Seattle, Wash.,** honored three top law officers. King County's acting public safety director, Jack Porter, was awarded the Legion Bronze Medal of Merit and Certificate of Award in recognition of his efforts as Sheriff in establishing the Cedar Hills Alcoholism Treatment Center and the Inmate Educational and Work Release programs in the County Jail. Porter's staff assistant, Chief Harold Booth, was awarded the



SEATTLE POLICE DEPT PHOTO



Law enforcement officials honored

Legion L&O Commendation, and acting Police Chief Frank Moore of the Seattle P.D. was honored with a special Legion citation. Both Booth and Moore are Legionnaires. MC at the awards dinner was Stephen F. Chadwick, a Legion founder and Past Nat'l Cmdr (1938-39). In the photo, l. to rt., are James O'Brien, Post 124 L&O Chmn; Booth; William Bruce, Post 124 Senior VC; Moore; Porter; and Chadwick.



Post 163, Neb.: flag as part of uniform

As part of a program sponsored by the American Federation of Police and Post 163, North Platte, Neb., Post Cmdr John Wardyn (see photo) presented to Lieut. George Ripple (center) and Police Chief Lloyd Muirhead (right) flag patches to be worn on police uniforms. Flag lapel buttons will be worn by plain-clothesmen.

HUNTINGTON BEACH POLICE DEPT



Calif.'s 29th District annual award

The Dep't of California's 29th District gave its annual Policeman Award to Robert Marks, Identification Technician of the Huntington Beach Police Dept. He was chosen by a vote of his fellow policemen. In the photo, l. to rt., are Hal Wirtz, Huntington Beach Post 133 Cmdr, who made the presentation; Celia Baker, Municipal Court Judge (a member of Post 133); Ptl. Marks; Steven Borak, 29th District Cmdr; and Allen Stevens, 29th District 1st VC.

Post 27, Dover, N.J., gave Certificates of Commendation to two patrolmen, Raymond Porphy and Edward Casey, for their heroic action at a disastrous fire that took the lives of seven persons. Post Cmdr Maurice Nielsen (see photo) made the presentation. The post also gave flag

PHOTO BY KEN KOSTENBADER, JR.



Post 27, N.J., cites two fire heroes.

pins and "Dover Police" shoulder patches to the P.D.

Post 106, Hasbrouck Heights, N.J., gave the Legion Valor Medal to three police officers, Peter Bruinooge, Ronald Jones, and Stanley Melowic, and to Robert Thomasey, a local resident, all of whom aided in rescuing persons trapped in a house fire. In the photo are, l. to rt.: T. Todt, Post Cmdr C. Miller, Patrolmen Melowic (behind Miller), Jones, and Bruinooge, Police Chief A. H. Van Houten, holding the Dep't Honor Roll for Legion Valor Medal winners, and Post Adjutant R. Flannery. Thomasey is in the group, but invisible behind Van Houten.



Post 106, N.J., commends four persons.

Post 6, New York, N.Y., honored Ptl. John Mocio and Ptl. Arthur May of the 10th Prec. and Ptl. Michael Augustyne of the 6th Prec. with Certificates of Achievement. Mocio and May have been cited on several occasions by the Police Dep't as a team for having made 150 arrests on narcotics. Augustyne also has many citations. In the photo, Mocio, May and Augustyne are second, third and fourth from the left, front row.

MAXWELL FREILICH, BROOKLYN, N.Y.



Honored police team wars on narcotics.

Another Police Dep't to initiate the flag shoulder patch through the encour-



Cheyenne Police Dep't adopts flag patch.

agement of the Legion is the Cheyenne, Wyo., force. In the photo are, l. to rt., Police Chief James Byrd; Lieut. Comer; Herb Ament, acting Cmdr, Post 6; Jose Castaneda, Post 93 Adjutant; Phillip Van Dyke, Post 83 Cmdr; Fred Lujan, Post 93 Cmdr; and C.D. ("Firp") Miller, Dep't Adjutant.

Old Glory is now flying over all 15 of the Florida State Farmers Markets. At Sanford, Post Cmdr Russell Tench, Jr., of Post 53 presented the colors to Leo Butner, market manager. In the photo,



Legion puts flags over market places.

l. to rt., are Tench, Butner holding flag, John McCloskey, and W.O. Whittle, director of the Florida Dep't of Agriculture's State Farmers Markets System.



Post 259, Mich.: colors to the band

Post 259, Bronson, Mich., presented the colors to the Bronson H.S. Band. Post Cmdr Carrol Curtis (see photo) made the presentation to Dwight Gardstrom, Band Director.

Post 124, Detroit, Mich., gave a flag that had flown over the capitol to STS Cyril & Methodius School. It was presented (see photo) by Harry Salwin, Joseph Zelenak, and Joseph Lesko. Accepting was Safety Patrol Boy Gordon Skotarczyk. Senator Philip Hart, a post member, helped obtain the flag from Washington.



Post 124, Mich.: a gift to a school

## BRIEFLY NOTED

For his efforts on behalf of the Pennsylvania Legion-State Police Youth Week, conducted at the Pennsylvania





PENNSYLVANIA STATE POLICE

"For creating a better understanding . . ."

State Police Academy in Hershey, Elmer Hafer (left in photo), Dep't Law & Order Chmn, received a Citation from Col. Frank McKetta, State Police Commissioner. The award was for Hafer's "outstanding performance in furthering the education of our youth and the encouragement of future potential law enforcement officers." Hafer, the Security Officer at the Federal Penitentiary, Lewisburg, Pa., served as Director of Youth Week. "The program is designed," said Hafer, "solely for the purpose of creating a better understanding between the youth and those charged with maintaining law and order. Not one word was said to the boys about the possibility of their becoming police officers, yet 20 of them made inquiries regarding the qualifications for becoming State Troopers." Sgt. Matthew Chabal, a State Trooper and Legionnaire, assisted Hafer through-

out the planning of the event and served as liaison officer between the Legion and State Police officials.

From the office of Gov. David Cargo of New Mexico comes Executive Order #5-70, which establishes the official position of State Bugler and appoints Harry Gunderson, of Post 18, Silver City, as State Bugler. The action was appropriate, said the Governor, "for New Mexico has a very interesting and outstanding military history beginning in 1846 when Sante Fe was surrendered to Gen. Stephen Watts Kearney conquering New Mexico for the United States."



Gunderson: New Mexico's Official Bugler

Gunderson, a Past Post Cmdr, has been a bugler for more than 55 years. Born in Wells, Minn., he grew up in South Dakota, enlisted in the Army in 1915. In the photo, Gunderson (in Legion uniform) receives the official notice from Rep. Murray Ryan of the State Legislature as Post 18 members watch.

Plans for The Veterans Garden of Honor—envisioned as a hallowed place dedicated to those who have served their country in peace and war—have been announced by Memory Gardens Cemetery in Arlington Heights, Ill. William Pailey, president of Memory Gardens, has planned the garden as a place where funeral services for veterans may be held by Legion posts and other veterans groups. The designed and landscaped gardens, each planned around a different religious concept, have been patterned

after the Forest Lawn Cemetery in Glendale, Calif. The open air chapel will feature six flags in front of a low weather edge lannon stone wall surrounding a courtyard of pre-cast concrete patio blocks where interment services will be held. Flying from these six standards will be the American flag and banners of the five branches of the Armed Forces. Construction of the chapel is expected to begin immediately, with official dedication planned when Memorial Day exercises are conducted there on May 30, 1971. Nonsectarian but inspirational in design, the chapel's high curved rear stone wall and sky-lighted portion of the roofed over area define the focal center for interment services for veterans or for other memorial ceremonies. There will be inscribed stones, commemorative plaques, and seating space around the walls of the courtyard. A \$15 fee for endowed care as required by Illinois State Law will be the only expense for the veterans who qualify, and only honorably discharged veterans of the Armed Forces who do not own or have been assigned burial property may apply.

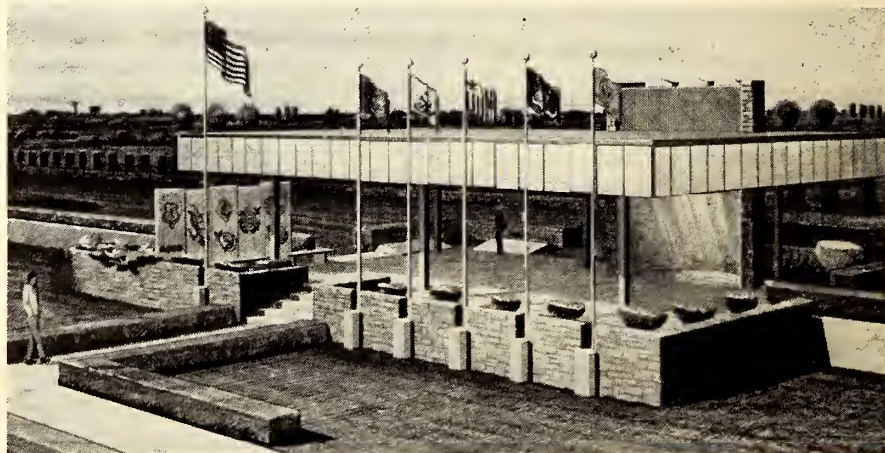


DEPT OF MAINE PHOTO

Maine gives \$3,000 for dental care.

The Dep't of Maine has presented checks in the amount of \$3,000 to support two dental clinics to assist low income families and children. From left to right in the photo are Mrs. Mary Law, Dep't Auxiliary President; Dep't Cmdr John Howe; Past Dep't Cmdr Daniel Lambert, a member of the Nat'l Public Relations

THE AMERICAN LEGION NATIONAL HEADQUARTERS JULY 31, 1970			
ASSETS			
Cash on hand and on Deposit.....	\$	1,328,345.88	
Receivable .....		159,675.36	
Inventories .....		619,435.27	
Invested Funds .....		3,839,565.61	
Trust Funds:			
Overseas Graves Decoration			
Trust Fund .....	303,162.70		
Employees Retirement			
Trust Fund .....	4,903,950.02	5,207,112.72	
Improved			
Real Estate .....	821,521.81		
Less: Accumulated			
Depreciation .....	278,112.11	543,409.70	
Funded Depreciation			
(Securities & Cash) .....	278,112.11	821,521.81	
Furniture & Fixtures, and Equipment....		303,790.81	
Deferred Charges .....		118,090.40	
		\$12,397,537.86	
LIABILITIES, DEFERRED REVENUE & NET WORTH			
Current Liabilities .....	\$	367,793.10	
Funds Restricted as to use .....		313,522.40	
Deferred Income .....		1,329,400.02	
Trust Funds:			
Overseas Graves Decoration			
Trust Fund .....	303,162.70		
Employees Retirement			
Trust Fund .....	4,903,950.02	5,207,112.72	
Net Worth:			
Reserve Fund .....	904,551.31		
Restricted Fund .....	1,553,809.69		
Real Estate .....	821,521.81		
Reserve for Rehabilitation	168,173.92		
Reserve for Child Welfare..	115,239.73		
Reserve for Convention....	60,000.00		
Reserve for Publication....	36,475.74		
Gift to The Nation			
Maintenance Fund .....	99,906.25		
	3,759,678.45		
Unrestricted Capital .....	1,420,031.17	5,179,709.62	
		\$12,397,537.86	



Chapel of Honor will have six flags and courtyard area surrounded by lannon stone walls—focal point of planned Veterans Garden of Honor in Arlington Hts., Ill.



Commission; and Philip Dufour, chairman of the Roman Catholic Diocese Bureau of Human Relations, sponsor of the clinic.

The celebration in Jamaica, West Indies, of that country's being granted its independence from Great Britain eight years ago gave the Jamaica Legion in Kingston (the capital city) an opportunity to render a service. Hundreds of veterans, Jamaicans now living in England, had arrived in Kingston for the celebration, with August 6 as the focal day. To facilitate the returning of these people after the festivities, the Jamaica Legion converted its HQ grounds, including restaurant facilities, into a staging area. The veterans gathered there, were processed, and taken by bus directly to their waiting planes, entirely avoiding the airport confusion.

The Legion and three other organizations will sponsor the golden anniversary edition of American Education Week during October 25-31. Under the slogan—"Shape Our Schools for the 70s"—more than 30 million Americans are expected to visit their schools in communities across the nation during this period. Such citizen participation makes American Education Week one of the largest single public relations events in America. The event began in 1921 as a means of focusing attention on the need to improve the nation's schools by the Legion and the Nat'l Education Association. The Nat'l Congress of Parents and Teachers and the U.S. Office of Education have since joined in AEW sponsorship. A packet containing news releases, etc., can be obtained by sending \$2 to American Education Week, P.O. Box 327, Hyattsville, Md. 20781.

#### American Legion Life Insurance Month Ending July 31, 1970

Benefits paid Jan. 1-July 31, 1970 .....	\$ 915,562
Benefits paid since April 1958 .....	9,063,817
Basic Units in force (number) .....	174,106
New Applications approved since Jan. 1, 1970 .....	6,685
New Applications rejected .....	1,302

American Legion Life Insurance is an official program of The American Legion, adopted by the National Executive Committee, 1958. It is decreasing term insurance, issued on application to paid-up members of The American Legion subject to approval based on health and employment statement. Death benefits range from \$11,500 (full unit up through age 29) in decreasing steps with age to termination of insurance at end of year in which 75th birthday occurs. Quoted benefit includes 15% "bonus" in excess of contract amount. For calendar year 1970 the 15% "across the board" increase in benefits will continue to all participants in the group insurance plan. Available in half and full units at a flat rate of \$12 or \$24 a year on a calendar year basis, pro-rated during the first year at \$1 or \$2 a month for insurance approved after January 1. Underwritten by two commercial life insurance companies. American Legion Insurance Trust Fund is managed by trustee operating under the laws of Missouri. No other insurance may use the full words "American Legion." Administered by The American Legion Insurance Department, P.O. Box 5609, Chicago, Illinois 60680, to which write for more details.

#### POSTS IN ACTION

Posts are already preparing for participation in The American Legion Nat'l High School Oratorical Contest. Personal contact should be made with the head of the speech department of the high school to assure that the contest can be included as an official school activity during the 1970-71 school year. The top orators in the national competition will share \$18,000 in scholarships as follows: First, \$8,000; second, \$5,000; third, \$3,000; and fourth, \$2,000. Each department winner who is certified into and participates in the competition at the regional level will receive a \$500 scholarship to pursue education beyond high school. Other awards will be given in earlier rounds.

Plattsburgh, N.Y., Post 20 played host to the 1970 U.S. Nat'l Parachuting Championships. Legion members prepared the target area at the Plattsburgh Airport. The Championship Award dinner was held at Post Headquarters for the top five men and women jumpers who later represented the United States in September in Yugoslavia for the World's Championship.

Four experts on veterans benefits addressed Kenosha, Wis., vets recently in an effort to get across to them just what is theirs by law. In the photo, left to right, are E. L. Dahlen, contact officer of the VA, Milwaukee; Fred Heinle, Legion Service Officer, Milwaukee; R. W. McElvaney, Veterans Co-ordinator, Kenosha; and Clifford Welles, Deputy Secretary, Dep't of Veterans Affairs, Madison. The meeting was arranged by McElvaney, who is the Veterans Co-ordinator for Post 21, Kenosha.



They told vets what they're entitled to.

Post 199, Edwardsville, Ill., was given one of the first Americana Awards presented by the Carpenters' District Council of Greater St. Louis & Vicinity. The recognition was for the post members' actions occurring when a mob of student demonstrators from the Edwardsville campus of Southern Illinois Univ.

attempted to haul down the flag during a march on the Selective Service Office in the Edwardsville Post Office. The Legionnaires and some VFW members left their jobs, came to the scene, and, after the students had left, stayed the rest of the day as an honor guard for the flag until it was lowered.

Included in the Red Cross Bloodmobile drive of Post 208, Millis, Mass., were three rare B-Negative donors who answered a midnight appeal for blood to save a veteran in a hospital 130 miles from his home.



Post 206, Pa., gets its message across.

As a continuing part of its Americanism and community service programs, Post 206, Lansdale, Pa., makes "Welcome Home" banners available for loan to families of returning Vietnam veterans. The post requests that one week's notice

#### COMRADES IN DISTRESS

Readers who can help these veterans are urged to do so. Usually a statement is needed in support of a VA claim.

Notices are run only at the request of American Legion Service Officers representing claimants, using Search For Witness Forms available only from State Legion Service Officers.

815th Sig Serv Co Port (Brussels, Belgium June 1945)—Need information from unit members who knew that John F. Liss had temporary disability caused by back injury sustained in train accident at Lille, France, on or about June 28, 1945. Need particularly to hear from Cassamo, Mortensen, Lazarvitz, Strimple, Martin, Green or any other comrades who can help. Write "CD52, American Legion Magazine, 1345 Ave. of the Americas, New York, N.Y. 10019"

USS Box (CV21, South Pacific Oct. 23, 1945)—Need information from any comrade who recalls that Elmer R. Stout, Jr., was hit by recoil of 20mm gun on board ship, causing seizures. Write "CD53, American Legion Magazine, 1345 Ave. of the Americas, New York, N.Y. 10019"

Lackland AFB, Texas, 3275th Basic Medical Tng Sqdn (May 8, 1957)—Need information from Capt. Zinner, Beck, Major Monohan, Peabody and other comrades who knew that Romulus R. Roberts developed deep mental problems in service. Write "CD54, American Legion Magazine, 1345 Ave. of the Americas, New York, N.Y. 10019"



be given for the loan of a banner. A small deposit is required for the service.

## NEW POSTS

The American Legion has recently chartered the following new posts:

Wakefield Village Post 339, Little Rock, Ark.; Westway Post 610, Canutillo, Tex.; Galveston Post 614, Galveston, Tex.; and Holbrook Post 615, Porter, Tex.

## PEOPLE IN THE NEWS



MAXWELL FREILICH PHOTO

**Daniel J. O'Connor**, of New York, chairman of the Nat'l Americanism Commission (right in photo), honored with a Department Citation recognizing his accomplishments in Americanism. Dep't Cmdr Richard Pedro makes the presentation.

**Fred E. Bamberger**, of New Rochelle, N.Y., awarded the Air Force Commendation Medal for meritorious service as Reserve Coordinator for USAF operations in New York State. He has traveled over 20,000 miles throughout the state in support of the Air Force mission and is the Senior Air Force Advisor to the New York Wing, Civil Air Patrol.

**Page Nelson Keesee**, retired Dep't Adjutant of the South Carolina Legion, given a testimonial dinner and appointed editor of The South Carolina Legionnaire.

**James A. Hamilton**, a Navy veteran of WW2, is the new Dep't Adjutant of South Carolina. He has served as a Dep't Vice Cmdr and was South Carolina's Child Welfare Chmn in 1961-63.

**Harold A. Shindler**, Past Nat'l Historian, presently hospitalized at the VA Hospital in Indianapolis. Following an auto accident several months ago, he was successively hospitalized in Owensboro, Ky., and in Evansville, Ind.

**C. L. (Bud) Johnson**, of Newport, Wash., retired Nat'l Contests Coordinator, named director of Washington Boys'

State and Dep't Membership Chmn for 1971.

**Thomas J. Kirk**, of Benton, Miss., appointed new Dep't Adjutant. The Dep't Cmdr in 1961-62, Kirk is presently the Alternate Nat'l Executive Committee-man and a member of the Foreign Relations Commission.

## DEATHS

**Arthur King**, 81, of Warrensburg, Mo., a Legion founder who attended the Paris Caucus (March 1919).

**Ben J. Dean, Sr.**, 75, of Breckenridge, Texas, Past Nat'l Executive Committee-man (1924-26).

**Jim G. Lucas**, 56, of Alexandria, Va., Pulitzer Prize-winning international reporter for the Scripps-Howard Newspapers, at the VA Hospital in Washington, D.C. He received the Legion's first Fourth Estate Award (in 1958) for his "continuing informative reporting of America's Armed Forces personnel and our nation's defense programs and policies." After combat service in WW2, he also covered the Korean and Vietnam wars.

**John O. Chilcote**, of Baltimore, Md., Past Dep't Cmdr (1958-59) and Past Alternate Nat'l Executive Committeeman (1960-62).

**John T. Winterich**, 79, of Springfield, Mass., editor of The American Legion Magazine from 1924-28, a WW1 member of the editorial staff of Stars and Stripes, and former managing editor of the Saturday Review of Literature.

## LIFE MEMBERSHIPS

The award of a life membership to a Legionnaire by his Post is a testimonial by those who know him best that he has served The American Legion well.

Below are listed some of the previously unpublished life membership Post awards that have been reported to the editors. They are arranged by States or Departments.

**Jefferson D. Boling** and **Joe A. Denaburg** and **Ethel S. Hall** and **Hugh N. Starnes** and **Joe W. Young** (all 1969), Post 1, Birmingham, Ala.

**John J. MacGillivray** (1969), Post 46, Culver City, Calif.

**Robert P. Harris** and **Julius H. Miller** (both 1970), Post 136, Arroyo Grande, Calif.

**Ralph G. Buckwalter** (1970), Post 292, Albany, Calif.

**R. R. Thompson** (1960) and **L. O. Routson** (1966) and **Terence McNally** (1970), Post 311, Lancaster, Calif.

**Harry R. Lollick** (1961) and **Barbara H. McRae** and **Edmund E. McRae** (both 1963) and **Hubert J. Straubhaar** (1964) and **Anton Tonnesen** (1965), Post 409, San Bruno, Calif.

**David M. Smith** and **Harry H. Zimmerman** (both 1969) and **Ralph C. Curtis** and **Clarence Stuber** and **Cyrus C. Thieme** (all 1970), Post 416, Encinitas, Calif.

**Landell Bartlett** and **Arthur R. Gutman** (both 1967) and **Jasper Ackerman** (1969), Post 5, Colorado Springs, Colo.

**Frank Damato** and **Stephen Dokus** and **Harry W. Earle** and **Charles J. Fairhurst** (all 1970), Post 12, Norwalk, Conn.

**Raymond A. Giese** and **Edwin W. Lange** (both 1970), Post 134, Morton Grove, Ill.

**Cleon Dallman** and **Irving Eades** and **Carl Frerichs** and **Glenn Greenwald** and **John Hess** (all 1969), Post 198, Petersburg, Ill.

**Joseph Maas** and **Robert J. Trimpe** (both 1969) and **Gottlieb Ganske** (1970), Post 356, Chicago, Ill.

**Fred I. Nelson** (1970), Post 157, Churubusco, Ind.

**Robert E. Day** (1958) and **John H. Scholey** (1968) and **Chris Bokelman** and **Bernice B. Chandler** and **Clarence Finke** (all 1970), Post 267, Osgood, Ind.

**John Hadenfelt** and **Paul Hartman** and **Dr. E. L. Hollis** and **Ross R. Houser** and **Paul H. Jones** (all 1968), Post 76, Marengo, Iowa.

**Emerson O. Mann** (1966) and **William D. Chester** and **Joseph Doll** (both 1969), Post 201, Louisville, Ky.

**Dr. Saul Steinberg** (1950) and **Joseph H. Sheeran** (1955) and **Mariano Corso** (1958) and **Alfred M. Franchina** (1960), Post 56, Boston, Mass.

**Raymond Overhuel** and **Lewis W. Shields** and **Stephen F. Snyder** and **Irvin Starks** and **Benjamin Suhr** (all 1969), Post 49, South Haven, Mich.

**George A. Anderson** and **Odin J. Odegard** (both 1968) and **Robert O. Berg** and **Charles I. Harmer** (both 1970), Post 216, Princeton, Minn.

**Edgar F. Boley** (1969), Post 499, Blue Springs, Mo.

**Howard E. Swain** and **Robert W. Varrill** and **Ralph E. Woodard** (all 1969), Post 32, Exeter, N.H.

**Willard E. Cleveland** and **James E. Lord** and **Charles E. Tanner** and **Stanley C. Tanner** and **Charles R. Whitehouse** (all 1970), Post 61, Milton, N.H.

**Robert J. Henry** (1970), Post 787, Cicero, N.Y.

**Hugh Ratzel** and **Robert L. Reardon** and **Edward A. Reilly** (all 1970), Post 1003, Brooklyn, N.Y.

**George G. Harvey** and **Harry E. Polk** and **W. C. Sveen** (all 1965) and **Virgil C. Syverson** (1966) and **L. J. Bean** (1970), Post 37, Williston, N. Dak.

**Norman A. Rebillot** (1970), Post 44, Canton, Ohio.

**Peter Angotti** and **F. A. Capone** and **Edward J. Dieter** (all 1970), Post 351, Pittsburgh, Pa.

**Dr. J. Roy St. Clair** and **Gordon P. Van Tries** and **Samuel M. Van Tries** and **John Winters** (all 1970), Post 520, Alexandria, Pa.

**Guy J. Hagen** and **Obert Johnson** and **Frank G. Lawler** and **Elvin V. Lee** and **Oscar Paulson** (all 1970), Post 324, Osseo, Wis.

Life Memberships are accepted for publication only on an official form, which we provide. Reports received only from Commander, Adjutant or Finance Officer of Post which awarded the life membership.

They may get form by sending stamped, self-addressed return envelope to:

"L.M. Form, American Legion Magazine, 1345 Avenue of the Americas, New York, N.Y." 10019

On a corner of the return envelope write the number of names you wish to report. No written letter necessary to get forms.

## OUTFIT REUNIONS

Reunion will be held in month indicated. For particulars write person whose address is given.

Notices accepted on official forms only. For form send stamped, addressed return envelope to O. R. Form, American Legion Magazine, 1345 Avenue of the Americas, New York, N.Y. 10019. Notices should be received at least five months before scheduled reunion. No written letter necessary to get form.

Earliest submission favored when volume of requests is too great to print all.

## ARMY

1st, 2nd, 3rd Instructor Courses, Eng Res Officers (WW2)—(Nov.) Francis Palme, 2906 Clear Dr., Falls Church, Va. 22042

116th Field Sig Bn (WW1)—(Dec.) William Clark, 6210 E. Greenlake Way N., Seattle, Wash. 98103

463rd AAA AW Bn—(Oct.) William Garrity, 12 Blossom Rd., Braintree, Mass. 02184

901st Ord HAM Co—(Oct.) Vincent Giglio, 49 Furnace Dock Rd., Croton-on-Hudson, N.Y.

Sons of Sherman's March to the Sea—(Dec.) Stan Schirmacher, 1725 Farmers, Tempe, Ariz. 85281

## NAVY

Old Timer Communicators—(Oct.) John Trott, 4512 Pescadero Ave., San Diego, Calif. 92107

## MISCELLANEOUS

Pearl Harbor Attack Vets—(Dec.) Pearl Harbor Attack Veterans, Reunion Chmn, P.O. Box 223, Chicopee, Ma. 01013



## THE MESS IN OUR CRIMINAL COURTS

(Continued from page 29)

Judge Edward Dudley, after losing "faith in any political structure" to help him reform the courts, wrote a resignation letter on May 11, 1970:

"I feel we've been let down," said Judge Dudley, in the request for reassignment. "Obviously, if we're given anything (in the way of funds) we can do a heck of a job. But I don't think we're going to get it."

The result is that the good men sometimes give up, leaving the system meandering along—clip-clop—trying to do the same old job under the same old impossible conditions. There's very little prospect for improvement in the immediate future unless the political powers-that-be decide to pump more of that magic green ingredient—money—into the system to bring it back to a state of vigorous good health.

The problems of the lower courts do not all revolve around a lack of funds or an overabundance of cases, however. Sometimes, the absence of a uniform system of punishment can be detrimental to the overall criminal justice system.

Often, the same crime will bring a light sentence in one part of the country and a heavy sentence elsewhere. And this lack of a solid body of uniform laws

helps break down respect for all law.

In Birmingham, Ala., for example, a 23-year-old man named John Henry Jones, Jr., was convicted May 29, 1970, on a charge of robbery. The court found Jones guilty of taking a sum of money from an 18-year-old girl at gunpoint eight months earlier. The Circuit Court jury in Birmingham invoked the death penalty. It seemed a case of Jim Crow justice—Jones is a Negro, his victim white. Any day of the week, an observer could sit in the criminal courts of San Francisco, Chicago or New York City and see men convicted on exactly the same charge as Jones being given sentences of a year or less—or even suspended sentences. That seems to cover the gamut of extremes, from death to a slap on the wrist for the same offense. Jones' case is being appealed.

OUR CRIMINAL courtrooms are intended to be, as the Supreme Court wrote in a recent decision, "citadels of justice." Yet, more and more in recent months, the citadels have been disrupted by shouts of "Racist pig!" and "Power to the people!" Defendants have marched around courtrooms, have excoriated judges, have pounded on furniture and

have even removed their clothing.

Probably the most celebrated example of this noisy show of contempt for the system was the Chicago conspiracy trial, where defendants representing a vast rainbow of political views kept the national press entertained week after week with their courtroom antics.

In other courtrooms, from California to Maine, defendants who called themselves political prisoners used the loudest, most disrespectful language imaginable to express their disdain for The Establishment, the status quo or even America itself.

Many judges privately expressed the opinion that such disruptive outbursts were little more than devious attempts to entice the trial judges to let judicial errors enter the court record—thus providing grounds for a successful appeal later. Others say that disruptive defendants are absolute radicals, anarchists or psychotics. Whichever the case might be, the legal profession was becoming more and more uptight about disruptions when The Association of the Bar of the City of New York opened its "Is Law Dead?" symposium.

"Defendants and defendants' lawyers use the courts not to obtain justice, but to mock and defy it, and to make court-

(Continued on page 40)

### Official American Legion Life Insurance

As a Legionnaire, you can protect your family's well-being for as little as 7¢ a day with Official American Legion Life Insurance. Just mail this enrollment card with your check for \$4 for a full unit of protection for all of 1970 (beginning November 1). That comes to only \$2 a month! Normally no medical is required. If you are not accepted, your \$4 will be promptly refunded. No persons age 70 or over (including those desiring a second half unit) will be accepted for new insurance.

#### Amount of Insurance Determined by Age at Death

Age	Basic Full Unit	Total Coverage During 1970
Under 30	\$10,000	\$11,500.00
30-34	8,000	9,200.00
35-44	4,500	5,175.00
45-54	2,200	2,530.00
55-59	1,200	1,380.00
60-64	800	920.00
65-69	500	575.00
70-74*	330	379.50

\*Insurance terminates on the 1st day of January coinciding with or next following your 75th birthday



OFFICIAL  
AMERICAN  
LEGION  
LIFE  
INSURANCE  
PLAN

#### Important

If you reside in New York, North Carolina, Ohio, Texas, Wisconsin, Illinois, New Jersey or Puerto Rico, do not use this form. Instead, write to the address shown. (Applications and benefits vary slightly in some areas.)

MAIL TO:  
AMERICAN  
LEGION LIFE  
INSURANCE  
PLAN,  
P.O. BOX 5609,  
CHICAGO,  
ILLINOIS  
60680

#### ENROLLMENT CARD for YEARLY RENEWABLE TERM LIFE INSURANCE for MEMBERS of THE AMERICAN LEGION

PLEASE TYPE OR PRINT—ANSWER ALL QUESTIONS—CHECK MUST ACCOMPANY THIS ENROLLMENT CARD

Full Name \_\_\_\_\_ Birth Date \_\_\_\_\_  
Last First Middle Mo Day Year

Permanent Residence \_\_\_\_\_  
Street No. City State

Name of Beneficiary \_\_\_\_\_ Relationship \_\_\_\_\_  
Example: Print "Helen Louise Jones," Not "Mrs. H. L. Jones"

Membership Card No. \_\_\_\_\_ Year \_\_\_\_\_ Post No. \_\_\_\_\_ State \_\_\_\_\_

I apply for a Full Unit of insurance at Annual Premium of \$24.00 ☐ or a Half Unit at \$12.00 ☐  
The following representations shall form a basis for the Insurance Company's approval or rejection of this enrollment card:

1. Present occupation? \_\_\_\_\_ Are you now actively working?

Yes ☐ No ☐ If No, give reason \_\_\_\_\_  
2. Have you been confined in a hospital within the last year? No ☐ Yes ☐ If Yes, give date, length of stay and cause \_\_\_\_\_

3. Do you now have, or during the past five years have you had, heart disease, lung disease, cancer, diabetes or any other serious illness? No ☐ Yes ☐ If Yes, give dates and details \_\_\_\_\_

I represent that, to the best of my knowledge, all statements and answers recorded on this enrollment card are true and complete. I agree that this enrollment card shall be a part of any insurance granted upon it under the policy. I authorize any physician or other person who has attended or examined me, or who may attend or examine me, to disclose or to testify to any knowledge thus acquired.

Dated \_\_\_\_\_, 19 \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

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1070



## THE MESS IN OUR CRIMINAL COURTS

(Continued from page 39)

rooms, with the help of news media, propaganda loudspeakers. The Association and its members are deeply concerned as to the extent of the respect for our laws and institutions," said the official statement at the opening of the session.

The U.S. Supreme Court went a long way toward solving this problem on March 31, 1970, when, in the case of William Allen of Illinois, it ruled that judges faced with disruptive defendants had the right to bind and gag such defendants, cite them for contempt and/or take them out of the courtroom until they promised to conduct themselves properly.

The very next day, the decision was used in Philadelphia, where 21-year-old George Kenney was on trial for murder. Kenney became disruptive during the questioning of prospective jurors, and told Judge Leo Weinrott to "go to hell." Weinrott had Kenney's mouth bandaged shut, and the trial continued in silence.

Several major cases are still pending—including the Chicago conspiracy case, which could go all the way to the Supreme Court.

One result of the massive caseloads facing our criminal courts is the increasing use of the negotiated plea of guilty to settle criminal cases—not so much justly as quickly.

In plea negotiations, defendants are permitted (or, more often, encouraged) to plead guilty to a charge less serious than that which appears on the complaint. For example, a man accused of armed robbery in the original complaint might be allowed to plead guilty to a simple robbery charge, or perhaps even a charge of assault.

**E**ACH SIDE GAINS something and loses something in this process. The prosecution gains a conviction without having to go through the expensive, time-consuming and difficult procedure of a trial; but it loses the opportunity to bring the accused person to the full penalty prescribed by law for the original crime. Armed robbery might carry a penalty of ten to 20 years in prison, for example, while assault might have a maximum sentence of only one year. On the other end of the negotiation, the defendant gains a reduction in maximum sentence; but he loses the opportunity to "beat the rap" altogether—he cannot be found innocent.

A typical case involved Joseph Miranda, a 45-year-old New York man who was arrested at 6 a.m. in the basement of Donnelly's Bar & Restaurant on Manhattan's upper East Side on Oct. 31, 1969. The officer who arrested Miranda said he saw the suspect prying open an

interior basement door. He also said Miranda offered him \$200 to be set free. The patrolman charged the suspect with burglary, possession of burglar's tools and bribery.

The case finally came up in criminal court several months later, after the normal three or four postponements. The prosecutor and the defense attorney put their heads together and agreed on a compromise—the prosecutor dropped the three original felony charges and Miranda pleaded guilty to a reduced charge of criminal trespass as a misdemeanor.

The prosecutor, taking into account



"You're a weirdo, Margaret—What are you smiling about—?"

THE AMERICAN LEGION MAGAZINE

Miranda's lengthy police record, said he figured the sentence would be somewhere between three and six months in prison, far below the maximum of 21 years which the three original charges carried.

But when Miranda pleaded to the trespass charge, Judge Dennis Edwards set him free on a two-year suspended sentence.

The problem with all plea negotiations is that they go against the public in every case—the defendant always gets a better deal than he would if he were convicted as charged. And we, The People, are always the losers.

Furthermore, the settlement of criminal cases has become the rule, not the exception, in our nation's courts. Nationwide, 90% to 95% of all cases are brought to conclusion by negotiated pleas of guilty.

Many—if not most—cases coming into our criminal courts involve defendants who are accused of violating laws

which regulate social behavior. These are not cases of out-and-out criminality, in which people are injured physically or property is damaged or stolen, but the so-called sumptuary crimes, crimes which either have willing victims (like the narcotics addict who sticks a needle into his own arm) or no victims at all (like the man who places a bet with a bookmaker—and wins!).

Falling into this category are such items as gambling, ownership of pornographic material, prostitution, drinking (after hours or on Sunday, for example) and the illegal use of narcotics.

These activities are crimes because society has decreed certain types of behavior to be deviant. Society's usual method of controlling behavior is the passage and enforcement of laws.

Often, however, the written laws outlive society's wishes. In these cases, certain practices may be against the law long after they have become normal, accepted practices. A perfect case in point is Prohibition. During Prohibition, it was against the law to drink alcohol. But it became obvious to the lawmakers that huge numbers of people were drinking regardless of the law—among them many policemen, judges and legislators. Finally, the law was repealed and the practice was made legal again. It is for similar reasons that many groups have called for legalization of marijuana and even heroin.

But one problem with these sumptuary crimes is that they add to the crippling work load in our criminal courts. Many study committees have suggested the possibility of handling these crimes administratively, by siphoning them off into special courts, in the way that many states have siphoned traffic cases off into special traffic courts.

**A**T THE MOMENT, the largest and most troublesome example of this problem is narcotics, a social problem which appears to be woven inseparably into patterns of true crime. If a person shoots heroin into his veins or smokes marijuana, he clearly injures only himself. But if he goes out into the community and steals to support his habit, then he becomes a menace to society and a true criminal by anybody's definition.

Many of our most responsible legal experts and social scientists have recommended trying new combinations of methods to deal with these problems. An example of this is the Vera Institute of Justice's Manhattan Bowery Project. Formerly, alcoholic derelicts who wound up on the sidewalks and in the doorways of the Bowery were piled into police vans and hauled off to court, where they were shoved into the already overcrowded criminal justice system. But now, under the new project, derelicts are contacted by street teams consisting of a plain-



clothes police officer and a civilian aide. The derelicts are encouraged to enter the project's 50-bed infirmary, where they are "dried out," cleaned up, counseled and referred to other social agencies for further assistance.

This entire process takes an average of five days, not the weeks or months involved when there is court action. And it has taken thousands of cases out of the crowded courts. In one year, 1964, a study showed that one-third of all cases coming before the New York City Criminal Court involved alcohol-related offenses. Today, less than 10% are thought to involve alcohol offenses. (However, now it is estimated that well over *half* of all cases coming before the courts involve either drugs or prostitution, both of which are sumptuary crimes.)

Efforts are under way to find alternatives patterned after the Bowery Project to remove drug-related and prostitution offenses from the criminal courts, and thus permit them to spend the greater part of their precious time dealing with the more violent and dangerous criminal behavior.

**W**HILE THERE is no escaping the fact that society has the clear need to use laws to regulate social behavior, must society use the criminal courts for this purpose? Perhaps separate courts, like the family courts, the traffic courts and juvenile courts will provide at least a partial solution.

One of the most difficult problems facing our courts is that they require the services of criminal lawyers; yet the courts have no control over the supply of criminal lawyers available. Thousands of lawyers find many other aspects of their profession more attractive. The shortage hits private defense counsel. Many criminal lawyers, especially the best of them, have so many cases to handle that they must routinely request delays of several months in some clients' cases. More importantly, the shortage affects the public lawyers—the public defenders and the district attorneys.

In our city court systems all over the nation, prosecutors, the representatives of the people in a society, and public defenders, who represent those defendants too poor to afford private attorneys, are so overworked that they are often unable to do a really good job. Prosecutors have insufficient time to study The People's

cases. Defense lawyers are forced to represent clients after interviewing them only briefly, if at all.

The Task Force report recognized the problem of finding sufficient legal manpower: "Where will all the lawyers come from? It would be foolish to pretend that they will come, in sufficient numbers, from anywhere for many years. The shortage of criminal lawyers, already severe, is likely to become more acute in the immediate future. . . ."

The one sure method of bringing more lawyers into the criminal law system is money—if payment were raised to a level near that offered by Wall Street firms and the big corporations, more lawyers would go into criminal law. Which puts the problem, of course, back into the area of political considerations.

In recent years, the U.S. Supreme Court has spelled out in detail many of the rights of persons suspected or accused of crimes. This has created many new and often time-consuming procedures, both for police and for the courts.

In New York City, for example, police officers now carry around cards with a series of six questions printed on them. The questions must be asked of all suspects at the time of their arrest to ensure that the suspect is aware of all his constitutional rights.

**S**IMILAR PROCEDURES have been established in courts—procedures like hearings on motions to suppress illegally obtained evidence, hearings on the validity of confessions, writs of error corum nobis and writs of habeas corpus—all of them designed to protect painstakingly the constitutional rights of defendants.

Many laymen believe these procedural changes are the cause of the breakdown of our courts; but, while there is no question that such hearings do slow down the proceedings on occasion, most legal experts say they are not the basic cause of the breakdown.

One of these experts, Stevens H. Clark, of the Vera Institute of Justice in New York, studied the problem for a year and found that while new procedures "undoubtedly lengthened the processing of cases," the real problem was "inadequate manpower utilization in the courts. It is necessary to begin a high priority effort to make more effective use of available judge manhours," he said.

Other experts see possible avenues toward solutions in other areas, some political and some administrative. But no expert seriously suggests revoking any of the basic rights of defendants. Because it is just those rights, the ones that protect individuals at all costs, that make America's system of justice a model around the world. Some other system might be more efficient, but no other could be more just.

THE END

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## THE CONTROVERSY OVER HOW WE CHOOSE THE PRESIDENT

(Continued from page 11)

in proportion to population, in picking the President.

Yet, if we do want to equalize the states, we could simply keep the electoral system and reapportion the electoral votes according to the population at the last census. I have drawn up a sample electoral apportionment based on one electoral vote for each 250,000 people or major fraction thereof (you can cut it as fine as you want). With 705 electoral votes, the 1968 result would have been Nixon 389; Humphrey 258, and Wallace 58, with each state correctly represented according to its population. Such a system would give the equality sought every time, while the 26th Amendment would never do it.

Since the states have specific interests at stake in choosing the President—no matter who or how many vote (Wyoming's ranching interests hardly coincide with New York's urban problems), it would seem to be a lottery to let their weight per citizen in choosing the President depend on the luck factors that are involved in the voting turnout. Wyoming, with her three electoral votes, has little enough to say when stacked up against New York's 43 as things are. If we knock her down to a proportionate electoral strength she'll have less. On my proportionate chart, based on one electoral vote per 250,000 population, she'd have one electoral vote to New York's 67. Shall we go that far, as we can do accurately by amending the electoral system? Shall we knock her down even further, in any election in which New York gets a bigger turnout at the polls, by adopting the 26th Amendment in the form now proposed?

3. *Deciding the issue by the popular vote would tend to weaken splinter parties, with particular reference to the example of George Wallace in 1972.* Of course, we should blush to amend the Constitution to hurt a particular party in a particular election. Yet there is a good point here, if we only use Mr. Wallace and his party as an example of something that his 1968 campaign called to our attention. That is the potential extraordinary bargaining power, after Election Day, of any candidate who runs third in a close race, under the electoral system as it is now.

Though it has never happened, he could find several different ways of naming the President himself!

Let's look at a 1968 "might have been," remembering that the electoral vote is *officially* cast in December by living, breathing people called "electors." It is these people whom you elect on Election Day. They are supposed to vote for the candidate of the party that carries the state. Since they are generally loyal party members, they usually

do. But they don't *have* to, though the few who have jumped the traces have never yet had any effect on the result. A Nixon elector in Oklahoma voted for Senator Byrd in 1960. A Stevenson elector in Alabama voted for Walter B. Jones in 1956. As we've seen, 14 unpledged Southern electors voted as they pleased in 1960, as intended by the voters. In 1796 a John Adams elector voted for Thomas Jefferson. In 1968 a North Carolina Nixon elector switched to Wallace. That's about it.

In 1968, if Wallace had carried the

in appointments and policies with Nixon and Humphrey, and give the Presidency to the one he favored in December, or let them both go hang if they wouldn't bargain, tossing the thing into turmoil in the House. There he might have had a second go at bargaining.

Of course, if it had gone to the House in 1968, the Democrats could have voted for Nixon because he had the biggest popular and electoral vote, and that would have been that. But if they helped elect him it would have dampened their expectations of criticizing him later.

The 26th Amendment proposes to stop all that. There would be no electors who could change their minds in De-



"Here's a hot one—the bank I robbed sent me an unsolicited credit card!"

THE AMERICAN LEGION MAGAZINE

35 electoral votes of Florida and the two Carolinas, 34 of which went to Nixon, the electoral vote the day after Election Day would have seemed to be Nixon 267, Humphrey 191, Wallace 80. If so, the election would have been thrown into the House, since Nixon needed 270 to have a majority. But if Wallace's electors would do what he told them to, they could have voted for Humphrey in December, electing him with one extra electoral vote, or for Nixon, giving him a sweep, or for Wallace, throwing the election into the newly elected House.

In the House, each state delegation of Representatives would have one vote, as thrashed out within the delegation. Democrats had a majority in 27 delegations, enough to elect a President if they stuck together. Republicans had a majority in 19, and four delegations were split evenly. If a few Southern Democratic delegations went with Wallace, no party would have had a majority of Presidential votes in the House and it could have been a real donnybrook.

Obviously, Wallace would have been in a position to try to make a bargain

in December. The election would never go to the House. The popular vote would normally decide, and if no candidate had 40% of the popular vote, there would be a runoff popular election between the top two. Thus, it is said, third party candidates would be weakened, and third place runners' bargaining power in a close race destroyed.

Of course, third party candidates would be strengthened by crediting them with their popular vote instead of requiring them to carry a state in order to come out with anything of value.

Wallace got 8.36% of the electoral votes (plus the switched vote) in 1968. But he got 13.52% of the popular vote—which would have given him a 62% gain in real strength if we had changed to the proposed system in 1968.

The electoral system so discourages third parties that in all of our history since the first national political convention in 1832, no third party or its candidate has run a second time—though George Wallace will probably run in 1972 and provide the first such instance.

Henry Wallace's Communist-influenced Progressive Party got more than



a million popular votes in 1948, but not one electoral vote—and that was the end of it. The bulk of its following rejoined the major parties from which they and their candidate had fled. After James Weaver's Populists got only a 20th of the electoral vote for a 12th of the popular vote in 1892, they rejoined the Democrats in 1894. For almost 5 million votes Robert LaFollette's Progressives could show only 13 electoral votes in 1924, and that was the end of them in Presidential races. Thus the electoral system seems to encourage rebels to return to the fold.

On this, the life of the stable two-party system depends. Meanwhile, there's no way to stop the *bargaining power* of a party that can pull a seventh of the votes under any system that offers a second go-around—be it the electors voting in December, the election thrown into the House or a runoff popular election. You can change the system under which it bargains, but 10 million votes are 10 million votes no matter how you slice them.

Suppose that in 1968, for imaginary reasons, we had had a runoff popular vote election between Humphrey and Nixon, even though they both pulled a little more than 40% of the vote. Mr. Wallace could as well have bargained his popular voters as his electoral voters. Between Election Day and the runoff he could have gone to both candidates and said, "In the runoff, I'll urge my voters to support the fellow who gives me the best bargain in appointments and policy commitments, and you know most of them are pretty loyal to me."

Wallace would have needed to persuade only 54% of his followers to vote for Humphrey in order to have elected him in such a runoff, if the original Nixon-Humphrey voters had stuck by their Election Day choices.

It would have taken 47% of the Wallace voters to have elected Nixon under similar circumstances. (In both cases, no matter how those who voted for seven lesser candidates on Election Day should vote in the runoff.)

So the third man would still have had a chance to bargain for the Presidency, although . . .

To add further mud to the waters, if Wallace had supported either candidate in the runoff, with or without a deal, it might have been the kiss of death for that candidate among his own followers. Disliking Wallace, they might suspect a deal and either sit on their hands in the runoff or swing to the other candidate. The results would be as unpredictable and as riled up by contentious issues and suspicions as if the election had gone to the House. Nothing in this picture is certain except that it isn't pretty.

Once again, we have an alternative by

repairing the electoral system. If we do away with the human electors and let the electoral vote stand as cast by the voters on Election Day, there will be no electoral votes to be swung some other way in December. And if we are willing to settle for a 40% man in the White House by popular vote, why not let the leading candidate win with 40% of the electoral vote (instead of a majority) before throwing the election into the House? And then throw it into the House, where, whatever happens, it will be decided by people who were elected to office.

It is much more difficult for splinter parties to prevent any candidate from getting 40% of the electoral vote than to prevent any candidate from getting

40% of the popular vote. Again, for the simple reason that they can only count the electoral votes in states where they win. Abe Lincoln, we've noted, had less than 40% of the popular vote in the four-way race in 1860, a result that would have required a runoff on the eve of the Civil War under the proposed 26th Amendment.

The electoral system with its winner-take-all principle in each state, does not bar third parties. But the discouragement it gives them is a sort of guarantee that if a strong and permanent new party arises it will have arisen because of a need so great that it overcame the obstacles of the electoral system.

More than 243,000 votes went to  
(Continued on page 44)

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## THE CONTROVERSY OVER HOW WE CHOOSE THE PRESIDENT

(Continued from page 43)

minor splinter candidates in 1968, even when there was no chance they'd count for anything. They were shared by Blumen, Gregory, Halstead, Munn, Cleaver, McCarthy, Mitchell—and numerous write-ins. They had no effect on any possible forcing of the election into the House since they earned not one electoral vote. But every vote thus cast for minor candidates tended, along with the big Wallace vote, to bring the leaders closer to the under-40% level which would require a runoff election under the proposed amendment.

**I**F SPLINTER parties can thus chew away at the national totals of the major parties in states where they run third or even seventh, they may arise in swarms for trivial and mischievous reasons.

This is one of the fears of those who believe that the 26th Amendment will lead us to political chaos. The Amendment's supporters think it won't happen. Nobody knows. The proposal to end the winner-take-all principle in the states, and the opposition to it, are both based on peering into a dark glass. On this subject, John F. Kennedy made one of those statements that turns back on itself: "Where it is not necessary to change, it is necessary not to change."

In substance, then, we are looking not at one question, but at several, and we are looking at one alternative for all of them when there are others for each of them.

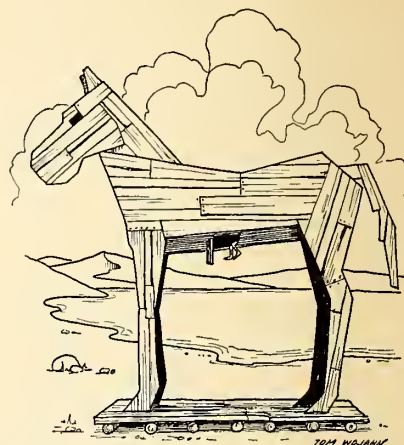
If most Americans do not want a third place runner to have the choice of the President in his hands, we could keep the electoral system but amend it to (a) get rid of the human electors and make the Election Day results official, and (b) slightly reduce the necessary electoral vote which the leader must command before the election is thrown into the House.

If Americans want to rebalance the states' electoral strength, that is a separate question. The states could be "equalized" in proportion to population with assurance, if a separate amendment were offered and adopted to reapportion the electoral votes by population.

If some people feel a need for a federal law to force the states to put candidates' names on the state ballots, that is a question not related to electoral reform. The people could best apply their

wisdom to it if it were offered separately.

Finally, there is a practical matter. Let's assume that the worst fears over the actual effects of the 26th Amendment are groundless—that its supporters are right in their estimates of the unknown factors. The proposition may still fail—as efforts to reform the electoral system in the past have failed—because there is too much in it to win the support of 38 states.



"We forgot to bring the ladder with us."

THE AMERICAN LEGION MAGAZINE

Assume that most Americans desperately want to change the system to make it less likely that an election will be thrown into the House, and to avoid having a third-place runner find it in his power to name the President. If 13 states vote "no" on the 26th Amendment because of other questions—because they do not want their proportionate power in Presidential elections reduced, or because they do not want a federal law usurping their present right to make up their own ballots—then the whole thing will go down the drain, including those reforms that most people probably want. If the New York Times is right about 14 states being against the proposed amendment, all reform is already lost. It seems to me that our best chance to get the reforms we most need is to put the different questions in separate packages.

THE END

**Editor's note:** The American Legion has not taken a position on electoral reform. Professor Weeks makes his own appraisal clear, and, as a voice which runs against a large majority of American opinion, we find it an interesting contribution to the discussion of a pending national question.



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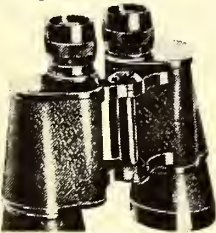
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## THE NOBLEST RED MAN OF THEM ALL

(Continued from page 21)

and the ponies found little grass. Men and beasts were so tired that when they came to Lolo Hot Springs in Montana near the eastern end of the trail after nine days, Joseph suggested a halt on a bit of grassy prairie for a day or two.

While they were resting, scouts brought word that two miles further along, where the trail entered Lolo Creek Canyon's narrowest point, a party of 25 or 30 soldiers and 50 to 100 settlers was building a rampart of earth and logs. It was the first time, but far from the last, that the telegraph, an invention of which Joseph had never heard, would be used to intercept the fugitives.

Joseph did not think of these busy builders as enemies, at least not yet. Accompanied by Looking Glass and White Bird, he rode to the barricade to explain that the Nez Perce only wished peaceful passage to the buffalo country. They would harm no one and would pay for supplies, Joseph assured both military and civilians.

THE SETTLERS he addressed were as peaceable as he, and promptly went home. But the officer in command had orders to disarm the warriors. He told this to Joseph but did not try to carry it out. Joseph got the impression that while the tribe would not be allowed to use the blocked trail, no one would molest them once they got into the Bitterroot valley. Next day the chief led his people over the hills in a roundabout march to bypass the barricade in the canyon, dubbed from that time "Fort Fizzle."

For nearly two weeks Joseph set a leisurely pace through the pleasant valley, quite unaware of telegraph messages flying to army posts within a radius of 400 miles. The Nez Perce grazed their stock, traded horses with ranchers, bought supplies at the settlements with such gold as they had salvaged after the Clearwater battle, and behaved well. When some young men rifled an empty cabin, White Bird forced them to leave three ponies in the corral as payment.

The hunters' route to the plains was a long loop southeast, back into Idaho, across the Continental Divide, east through Yellowstone Park and north along the Yellowstone River back into Montana. Less than halfway along the southern leg of this journey, a well-known campground, Big Hole, offered excellent grazing and dense thickets of lodgepole pine for new tepees. Joseph called a halt here for a few days, although some warriors wanted to push ahead fast because one had dreamed that death was on their trail.

The night of August 8 new tepees were up, 89 of them, and the camp slept

soundly without guards after an evening of dancing. No scouts covered their back trail, so Joseph was blissfully unaware of two pursuers. Howard, with an army of 700, was in the Bitterroot valley. More important, he had telegraphed to Col. John Gibbon at Fort Shaw north of Helena. Gibbon had marched 161 regulars and 34 volunteers almost the same distance the Nez Perce had come from the Clearwater. He had hurried, and at two o'clock in the morning, August 9, he deployed his force on a pine-covered hill right above the sleeping camp, ready to swoop at dawn.



"If I felt well enough to go see a doctor, I wouldn't need a doctor!"

THE AMERICAN LEGION MAGAZINE

In the first gray light, an aged Indian on horseback ambled toward the herd. He rode right into a skirmish line of soldiers before he ever saw them. The fusillade that killed him merged with a fierce yell as troopers rushed the camp, firing as they came.

JOSEPH'S TEPEE was just far enough from the charge that he had time to snatch up his baby and run for the shelter of the trees, barefoot and wearing only a shirt and blanket. As he looked back, he saw dazed men, women and children tumbling out of their tepees to be shot or clubbed to death. However, many warriors had grabbed weapons as they awakened. Except for those in the very center of the camp, they made it to the protecting timber where they were rallied by White Bird, who had a booming voice and kept shouting at them to fight for their wives and children. Some escaped without arms, like Joseph, and he dodged with them through the trees to round up the horses before the enemy would remember to head the Indians off from the tribe's only means of flight.



Joseph did not yet know that his younger wife and his brother Ollokot's wife were dead.

Behind him, Nez Perce braves in the thickets began picking off soldiers, who wasted time trying to burn the tepees. Gibbon soon ordered his exposed troops to retreat across a creek to a heavily wooded rise. Here they dug in while Indian snipers swarmed around them. The attackers ended up losing about 65 men. Estimates of the Nez Perce dead range from 80 to 120, a third of them fighting men, and every family lost someone. American officers were amazed that men who had been so badly surprised and mauled could recover so quickly.

THE LITTERED and ravaged camp (now the Big Hole Battlefield National Monument) resounded with mourning chants as the chief readied his people for what he knew must be a desperate flight to freedom. Families wailing for their dead loaded the pack horses and strapped the severely wounded to *travois*. The dead were buried by placing them beside a creek and undermining the banks so that dirt tumbled down and covered the bodies. By noon, Joseph had the disconsolate but determined tribe on the trail, leaving most of the braves to keep Gibbon pinned down until the aged, wounded, women and children could get well away, along with the herds.

Gibbon and his men were out of the war for good. Some of them wondered why they were not sharing the fate of Custer and the Seventh Cavalry massacred at the Little Big Horn a year earlier. But Joseph was urging the Nez Perce to seek liberty, not blood. So they marched. A few of the badly injured died along the way. Some of the old and feeble also dropped on the trail, to be killed and scalped by Howard's Indian scouts.

The tribe covered only 12 miles on August 9. That night the chiefs held another council. Joseph confessed that he had been wrong about finding peace in Montana. He saw no safety anywhere except Canada. He pointed out that Sitting Bull and his Sioux were refugees there since the Custer massacre, and no doubt would welcome other Indians at war with whites. But it would be a long, hard march with soldiers on their trail all the way. The best route to avoid settlements and impassable mountains was the same as the one they were following, but when they reached the plains they would have to keep going north until they crossed the border.

In the next few days they passed stockades sheltering badly frightened settlers who had heard of the battle. The Nez Perce rode by without molesting anyone, although now they took supplies from empty houses and accumulated a few hundred horses without paying for

(Continued on page 48)



## STILL SMOKING?

### Are there some people who just can't quit?

A year ago his doctor ordered John Beam (not his real name) to stop smoking. John had just recovered from a massive coronary attack. The next might be fatal.

Since then John has tried to quit at least five times—and every time given up the attempt after just a few days.

A two-pack-a-day man for longer than he can remember, John becomes nervous and irritable when he tries to cut out smoking. Any small crisis—business or domestic—he is liable to blow sky high.

"Take away my cigarettes," says John, "and I'm not fit to live with."

John Beam is one of an increasing number of people who have desperately tried to give up smoking, but just can't make it.

Many of them have turned for help to one or another of the widely advertised smoking deterrents found in every drug store—often to no avail. Can anything be done for these people?

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One of the most effective smoking deterrents ever discovered is a drug called Lobeline Sulfate. Lobeline works, not by making smoking unpleasant, but by acting as a substitute for nicotine. It helps to remove the craving, and to reduce withdrawal symptoms.

However, don't think that if you want to quit smoking you can just walk into a drug store and ask for some Lobeline Sulfate. It's not as simple as that.

Unfortunately this highly effective drug has a big drawback. Taken in sufficient quantities to get the job done, it often upsets the stomach.

A number of years ago a team of scientists at a great American University determined to tackle this problem. After months of research they discovered that buffering the Lobeline Sulfate with two special antacids virtually eliminates any

likelihood of stomach upset. Also, just as importantly, these buffers increased the efficiency of the Lobeline, thus greatly reducing the amount necessary to do an effective job.

This discovery was the first, and has turned out to be the only, great product breakthrough in the smoking deterrent field since Lobeline Sulfate was first discovered. It was immediately patented\* and Lobeline Sulfate is now available in this new form under the name of Bantron.®

No other smoking deterrent has such a patent. That is why Bantron can safely give you four times as much Lobeline in a single dose as any other deterrent in the drug store.

In appearance Bantron is a little white tablet, somewhat like an aspirin. It is easy to swallow, safe and pleasant to take, but marvelously effective.

Before Bantron was put on the market it was thoroughly researched. It was tested on hundreds of people who wanted to stop smoking. In these clinical tests 83%, more than 4 out of 5, quit easily and pleasantly with the help of Bantron in only 5 to 7 days. Today Bantron has helped countless others, and is the smoking deterrent many doctors not only recommended but use themselves.

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## THE NOBLEST RED MAN OF THEM ALL

(Continued from page 47)

anything. Joseph resumed his practice of sending out scouts, and so learned that Howard was only a day's march behind as he turned east at about the level of Yellowstone Park's southern boundary. The camp he left on the morning of August 19 was occupied by soldiers that very evening.

Indians called the place Camas Meadows. Two days ride northeast was Targhee Pass, where the fugitives could cross the Continental Divide and enter the park at what is now West Yellowstone. Howard was too close for comfort, so that afternoon Joseph proposed to slow the General's pace.

IN ACCORDANCE with the chief's plan, nearly all the able-bodied braves, about 200, rode back toward Camas Meadows. Before they got there, half or more took positions behind natural lava embankments. A picked band went on, crept unseen past the sentries and began untying picket ropes, while another small group rode up boldly in column of fours. As Joseph had expected, the sentries thought these men were a scouting detail returning to camp, until suddenly the column broke into the midst of Howard's sleeping troops. Yelling and shooting, the Indians stampeded 200 or more animals in the direction of their waiting comrades. They were gone before three companies of cavalry could be mounted to pursue. These were halted by the entrenched warriors, who held the line until the raiders had a good headstart.

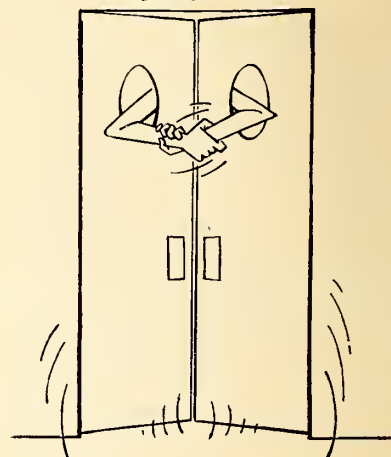
Joseph was disappointed to discover that in the dark only the pack train's mules had been "liberated," instead of the cavalry's horses. But he had delayed Howard just as effectively. When a convulsive effort to overtake the quarry wore out his best mounts—the Nez Perce were crossing Targhee Pass when the troops reached their camp of the night before—the General had to halt for nearly a week to obtain new transport animals and rest his exhausted men. Joseph had won a new lead on his pursuer and time for his people to replenish their food supplies.

Several tourist parties were viewing the wonders of the park when the long Indian cavalcade wound through the unimproved trails. Sherman had been there a few days before on a brief vacation. In their passage, the Nez Perce came upon 20 tourists, among them a group from Helena, Mont., that included two women. The Indians took them along to prevent their giving information to the pursuers.

One of the women was accommodated at Chief Joseph's campfire for several days, and was greatly impressed by his obviously sincere desire for peace, his

sorrow over the losses he had both inflicted and suffered, and the dignity with which he and his travel-worn family conducted themselves. She wrote later that he embodied all the good she had ever heard of "the noble red man." That Joseph did not order all the prisoners murdered surprised Sherman. Two were killed and two wounded when they tried to escape, but a few days later the rest were released unharmed when Joseph, who had scouts out in front as well as behind, learned his route was no longer

## SURGERY



L. H. Brown

"We can't start without you, Mr. Barnes—please get back on the table!"

THE AMERICAN LEGION MAGAZINE

a secret. Once again the telegraph had brought an army across his path from far away. Although Howard was still two days to the rear, hacking a road for his wagons through the wilderness, 300 troopers of the Seventh Cavalry, Custer's old outfit, were ahead, burning to avenge the Custer massacre. Col. Samuel D. Sturgis, a veteran of 35 years of service, whose son had been killed at the Little Big Horn, commanded. Also ahead were extremely rough mountains through which only two trails were passable. One led east along the Shoshone River to what is now the east entrance of Yellowstone Park. The other followed the Clark Fork River northeast to the plains. A force much smaller than Sturgis' could block either.

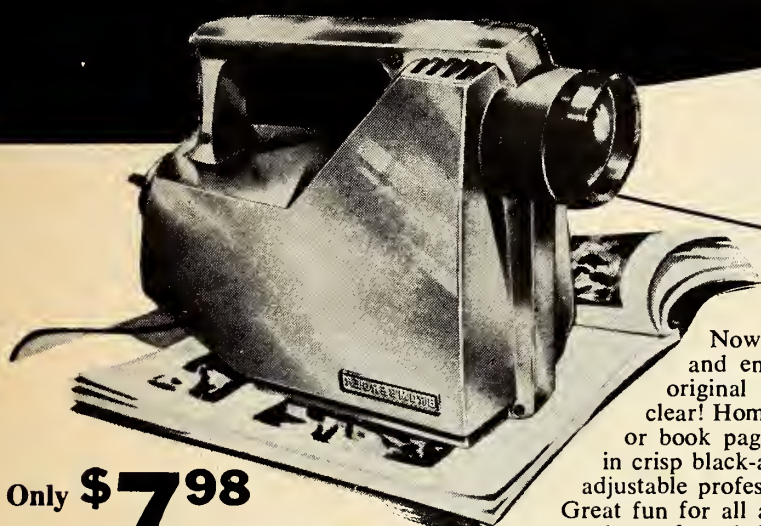
To avoid being trapped between two superior armies, Joseph had to feint Sturgis out of position. He did it by seeming to be committed to the Shoshone route. As the Seventh Cavalry moved to head him off there, he twisted away and led the whole tribe, herds and all, through a canyon so narrow that it was almost a tunnel—"the devil's doorway," it was dubbed. Joseph was hustling his

(Continued on page 50)



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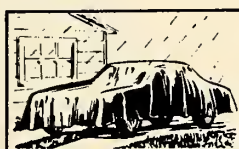
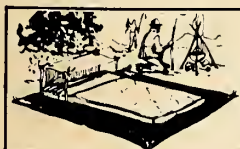
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## THE NOBLEST RED MAN OF THEM ALL

(Continued from page 48)

people along the Clark Fork, well out of the trap, when the armies of Howard and Sturgis met behind him on September 11. Howard conceded that the Chief had accomplished a brilliant maneuver.

One of the Chief Joseph legends is told to travelers who drive up to Dead Indian Hill, which the Nez Perce passed while performing this exploit. The place got its name, the story goes, because Joseph held up the American Army for a day by propping a dead brave on a rock near the summit, his rifle pointing realistically toward the pursuers. Unfortunately for romance, the tale had been told of the Cheyennes before the Nez Perce ever came that way.

The Chief's ability as camp master was tested as he pressed to keep ahead of Howard and Sturgis when he emerged from the mountains and headed north across the Great Plains, then almost unpopulated, toward Canada. The nearest the chase got to him was when Sturgis, with 400 of the fresher cavalry, caught up with the Nez Perce rear guard on September 13 at a dried up stream called Canyon Creek, a little west of what is now Billings, Mont. The warriors, posted behind rocks and in gullies, easily held Sturgis off until night, and then made their escape. The Colonel had pushed his horses so hard that he had no chance of overtaking the fugitives again.

Joseph regarded as much more ominous the harrying attacks by bands of Crow and Bannock Indian scouts, hired by Howard, who killed several men and drove off several hundred horses. He had believed that help or at least neutrality could be expected from the Crows. Doggedly he pushed the tired tribe north, across the Musselshell River, through Judith Gap, and forded the Missouri at Cow Island. Every day lame or worn-out ponies were abandoned. Every day a few old women and infirm men dropped from exhaustion, to die by the wayside or be killed for their scalps by the army's Indian scouts.

At Cow Island, as far up the Missouri as steamboats could come, Joseph saw an army supply depot guarded by a dozen soldiers. While the tribe crossed the river through the shallows, he had a party of braves ride over to see if they could buy supplies. They showed gold, but the sergeant in charge replied that he had no authority to sell. He gave them a side of bacon and a sack of hardtack when they said they were hungry, and they thanked him—politely, he recalled. Then they helped themselves to what they wanted and set fire to the rest to keep it out of the hands of their pursuers. Joseph had forbidden his men to rush the soldiers, although they could easily have wiped out so small a detachment.

Next morning, September 24, the tribe rode north, heading for a pass between the Little Rockies and the Bear Paw Mountains. They covered only half their usual distance each day. Nights were cold, winds penetrating, people and horses bone weary.

On September 29, with Howard at least two days behind and Canada 30 miles ahead, a hard day's march, Joseph yielded to a plea by exhausted companions that the noon halt be the day's halt. Gratefully, the women put up their tattered tepees, only 70 now, glad to get out of the cold.



"Full car!"

THE AMERICAN LEGION MAGAZINE

During that day the third sizable army summoned by telegraph came within striking distance. Its 400 men were commanded by Col. Nelson A. Miles, one day to be the highest ranking officer in the United States. Heavy clouds and rain hid his approach from Joseph's scouts.

Shortly after daylight on September 30, some Cheyennes with Miles saw Nez Perce hunters butchering several buffalo they had just killed. Unseen, the Cheyennes hurried to tell the Colonel where the camp was located. About the same time the hunters, observing a buffalo herd streaming toward them, concluded that a large body of soldiers must be near. They galloped back to give the alarm, but too late.

Joseph had chosen the campsite for shelter from the wind, not defense. It was on bleak but level ground, elevated about ten feet above Snake Creek, which flowed along the eastern edge. Steep bluffs protected the other three sides, and it was crisscrossed by ravines and gullies. The horse herd, still between 1,200 and 1,800



head, grazed on a slope a little to the west.

The hunters had given just enough warning for most of the surviving warriors to take cover among rocks and gullies at each end of the camp while Joseph, with about 70 men, rushed to round up the horses. The entrenched braves stopped a cavalry charge from the south, but other troopers and the Cheyenne scouts crashed into the herd before Joseph and his men could get the ponies moving. The Chief managed to find his 12-year-old daughter a mount, and she fled north, as did nearly 200 others, some on foot. In the confused fighting on the slope, the soldiers ran off most of the Nez Perce stock while Joseph watched helplessly.

"I thought of my wife and children, who were now surrounded by soldiers," he recalled—like most chiefs he spoke of his whole band as his children, "and I resolved to go to them or die. With a prayer in my mouth to the Great Spirit Chief who rules above, I dashed unarmed through the line of soldiers. It seemed to me that there were guns on every side, before and behind me. My clothes were cut to pieces and my horse was wounded, but I was not hurt. As I reached the door of my lodge, my wife handed me my rifle, saying, 'Here's your gun. Fight!'"

**F**IGHT HE DID, and at close range, driving the soldiers back. He and his men got ammunition and new rifles from the fallen, but then had to hole up with the women and children among boulders and dry washes some distance from their tepees, which were too exposed to be safe even at night. The attackers dug in too. Nearby half the cavalymen who had charged from the south were casualties; the Indians had lost at least 22 dead, including Ollokot and old Tool-hoolhoolzote.

It was a cold, miserable, hungry night for both sides. The wounded suffered intensely, as none had more shelter than a blanket. In the morning a freezing mist turned to snow driven by a gale. Joseph encouraged his people to warm themselves a little by making their bit of bare, pitted ground virtually impregnable with rifle pits and rock shelters, although their only tools were butcher knives and hooks used to dig camas bulbs.

Miles dared not attack, although fewer than 150 warriors fit to hold a gun manned the defenses. Without their horses, however, the Indians could not escape in a body. Some, including Looking Glass, kept saying that Sitting Bull would come to rescue them, but the Sioux chief never stirred.

When the snow let up about noon on October 1, Miles proposed a parley. Joseph

(Continued on page 52)

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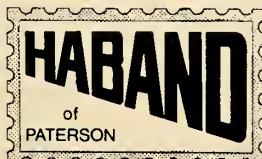
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## THE NOBLEST RED MAN OF THEM ALL

(Continued from page 51)

seph rode over to his tent, but refused to surrender. He said he would stop fighting if he and his people were allowed to depart in peace for Canada. Miles had no authority to grant such terms even if he had wanted to. He did detain the Chief until next morning, and admitted to admiring the man. No fighting occurred during this time.

Joseph held out for three more days, although the misery of his "children" weakened even his determined spirit. They had no fires and almost no food. They dug pits and caverns in which they huddled from wind, snow and bullets. The only sounds the Chief heard were low whimpers from the babies, groans from the wounded and occasional wailing chants for the dead. He himself was numb with cold, and dizzy from fatigue and hunger.

Then, early on October 5, Howard arrived with the vanguard of his army. He sent two reservation Nez Perce who had been with him throughout his long march to tell Joseph that if he would give up, his tribe would be fed, clothed, sheltered on the plains until spring and returned to Idaho.

In the last council of chiefs, Looking Glass and White Bird said that Howard could not be trusted and would execute all the head men. They announced that they would get to Canada, on foot if need be, or die trying. Joseph, backed by Little Bald Head, argued that the bands would not really be surrendering. They simply would agree with Howard to stop fighting and go home, which was all they ever had wanted. He was confident that "the Christian General" would exact no blood revenge.

ALL THROUGH these three days the troops had been shooting at anything that moved, and shortly after the council broke up a bullet caught Looking Glass in the head. It is told that he mistook a bison or stray horse for a messenger from Sitting Bull and leaped from his rifle pit. He was the last battle casualty of the Nez Perce War.

A little later, about two o'clock on Oct. 5, Joseph rode from his starving camp on one of the few remaining ponies. His face and hands were scratched, his sleeves and leggings riddled with bullet holes, but the waiting cluster of officers thought him an imposing, dignified figure as he crossed the bleak field of battle, still strewn with the bodies of men and horses. Five warriors on foot came with him. Dismounting, the Chief handed over his rifle, raised one arm from the toga of his blanket and delivered what has become the most quoted speech in Indian history.

"Tell General Howard I know his heart. What he told me before, I have

it in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Toolhooloolozote is dead. The old men are all dead. It is the young men who say, 'Yes' or 'No.' He who led the young men is dead. It is cold, and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food. No one knows where they are—perhaps freezing to death. I want to have time to look for my children, and see how many of them I can find.



"Yes, I know what's wrong with my generation. We had children."

THE AMERICAN LEGION MAGAZINE

Maybe I shall find them among the dead. Hear me, my chiefs! I am tired. My heart is sick and sad. From where the sun now stands I will fight no more forever."

That night White Bird and a few others fled. Some died of exposure or were killed by other Indians or were rounded up by Miles' troopers. The rest joined refugees from the first day of the battle to bring the total who actually did get to Canada, including Joseph's daughter, to 233.

At Snake Creek, the survivors numbered 87 men (40 of them wounded), 184 women and 147 children. Despite the terms Howard had promised, the 418 were shipped to hot, unhealthy sections of Oklahoma and Kansas where more than one-fourth of them died, mostly of malaria, before they were allowed to return to the West in 1885. Even then, Joseph was separated from the rest of the Nez Perce. He and his immediate band were placed on a reservation in Colville, Washington. Chief Joseph died at Nespelin, on the Colville reservation, Sept. 21, 1904, a legendary hero to red men and white men alike. THE END

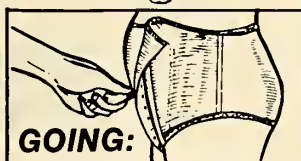
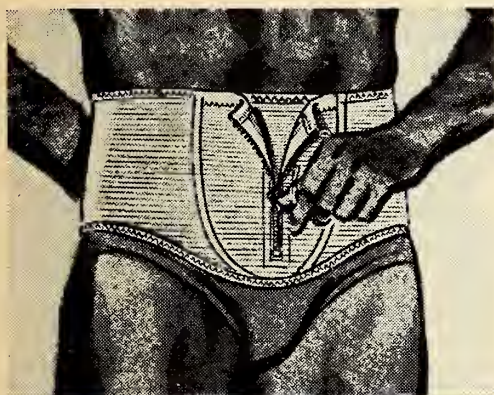


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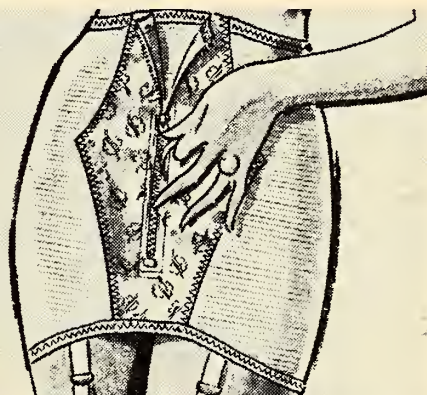


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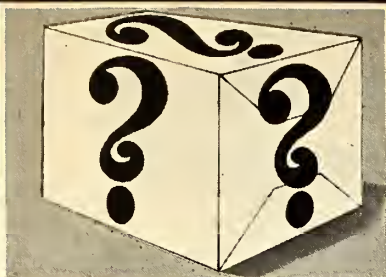
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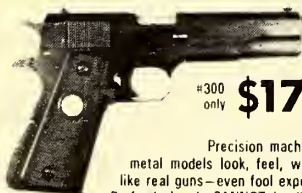
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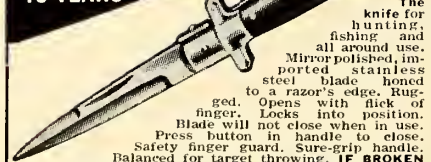
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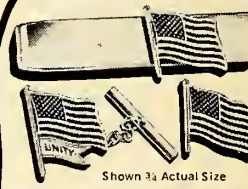
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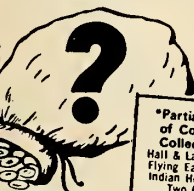




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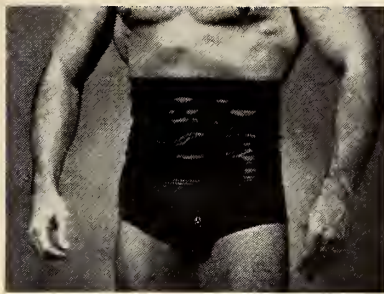


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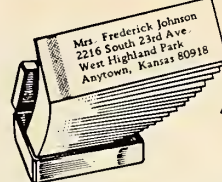
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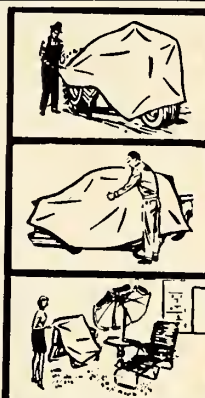
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This Handsome American Flag Pen sells itself on sight! Brushed gold finish cap, Flag Emblem in brilliant red, white and blue bakenamel colors. Pledge of Allegiance imprinted on blue barrel. Each pen inserted in beautiful gift folder. Packed in KITS of 25 pens, FREE fund raiser badge and a record keeping envelope for each worker's collections. Great for ANY group... America is here to stay! Order 1 KIT for each worker.



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**MINIMUM ORDER — 2 KITS.** Please send us ..... kits at \$12.50 each. (25 Pens & Gift Folders per kit)

☐ Include our **FREE SAMPLE**.

☐ Send free sample so we can see before placing our order.

Name of Group.....

Church or Sponsor.....

Address.....

City.....State.....Zip.....

Phone (if none, write none).....Active Workers.....

### ORDER WILL BE SHIPPED ONLY TO PERSON AUTHORIZED TO ORDER

Name of Person  
Authorized to order.....Title.....

Home Address.....

City.....State.....Zip.....

Age If  
Phone (if none, write none).....Under 21.....

I and/or my organization agree to pay within 60 days, \$12.50 for each KIT ordered. We may return any unsold kits for full credit within that time.

Signature of person authorized to order.

**OFFER AVAILABLE ONLY TO BONA FIDE GROUPS** (Acceptance subject to our approval and verification of information submitted - fill out ALL spaces.)



# PARTING SHOTS



"Cons ain't what they used to be!"

THE AMERICAN LEGION MAGAZINE

## SNAPPY COMEBACK

A husband who spent much of his driving time grumbling about the incompetence of women drivers growled his usual, "Bah! Woman driver!" when the car ahead of his made an unwise maneuver.

His wife gleefully retorted, "That car has a man driver!"

After a momentary silence, the husband grinned sheepishly and muttered, "He must have been raised by a woman!"

RUTH B. HARDAGE

## THAT BAD, BAD SOUND

The talk around the table at a businessmen's luncheon club turned to the question: "What's the most frightening sound you know?" "A groan in the dark," said one man, "when you know nobody's there."

"I'd say the sudden buzz of a rattlesnake at your feet out in the woods when you don't have any boots on," said another man.

Finally, an older member of the party grunted: "I know a sound worse than all yours put together," he drawled. "A long, low whistle coming from an auto mechanic underneath your car!"

DAN BENNETT

## THERE'S A REASON FOR EVERYTHING

"Did that young bookkeeper at your office get married yet?" Mrs. Peters asked her husband at breakfast one morning.

"No," replied Mr. Peters absorbed in his newspaper, "he didn't."

"H'm," mused the wife, "I wonder why. He seems to be a very intelligent person."

"Yeah," mumbled her spouse, "I guess that's the reason."

F. G. KERNAN

## FENCE STRADDLERS

Political fences would probably require less mending if they were not straddled so much of the time.

D. O. FLYNN

## SOCIAL CALL

In the waiting room my nerves are steady;  
Then Nurse announces, "Doctor is ready."  
I rise and enter without a waver.  
Why is it, you ask, I'm not all a-quaver?  
Well, I'm not a patient Doc's waiting to see—  
I'm his golf partner come to take him to  
"tee."

NORMAN FERRARI

## NO TRUER WORDS

A traveling salesman is a man who wishes he had as much fun on the road as his wife thinks he does.

WILLIAM LODGE

## SHOCKING THOUGHT

To communicate with porpoises  
Some people now aspire,  
So how about electric cels,  
Could we just send them a wire?

S. S. BIDDLE

## POINT OF VIEW

A psychiatrist is a fellow who doesn't have to worry as long as other people do.

GENE YASENAK

## THE SILENT SHARER

When I have a time limit for speeches

I resolve to be fair, to be fast,

Then inevitably, the guy before me

Talks to prove "The First Shall Be Last."

B. JO KINNICK

## "IT ALL DEPENDS"

How successful a man becomes frequently is determined by whether his wife is constantly mad at him . . . or about him.

LUCILLE J. GOODYEAR



"Lipstick, nail polish and eye shadows are out. What do you have in bubble bath?"

THE AMERICAN LEGION MAGAZINE



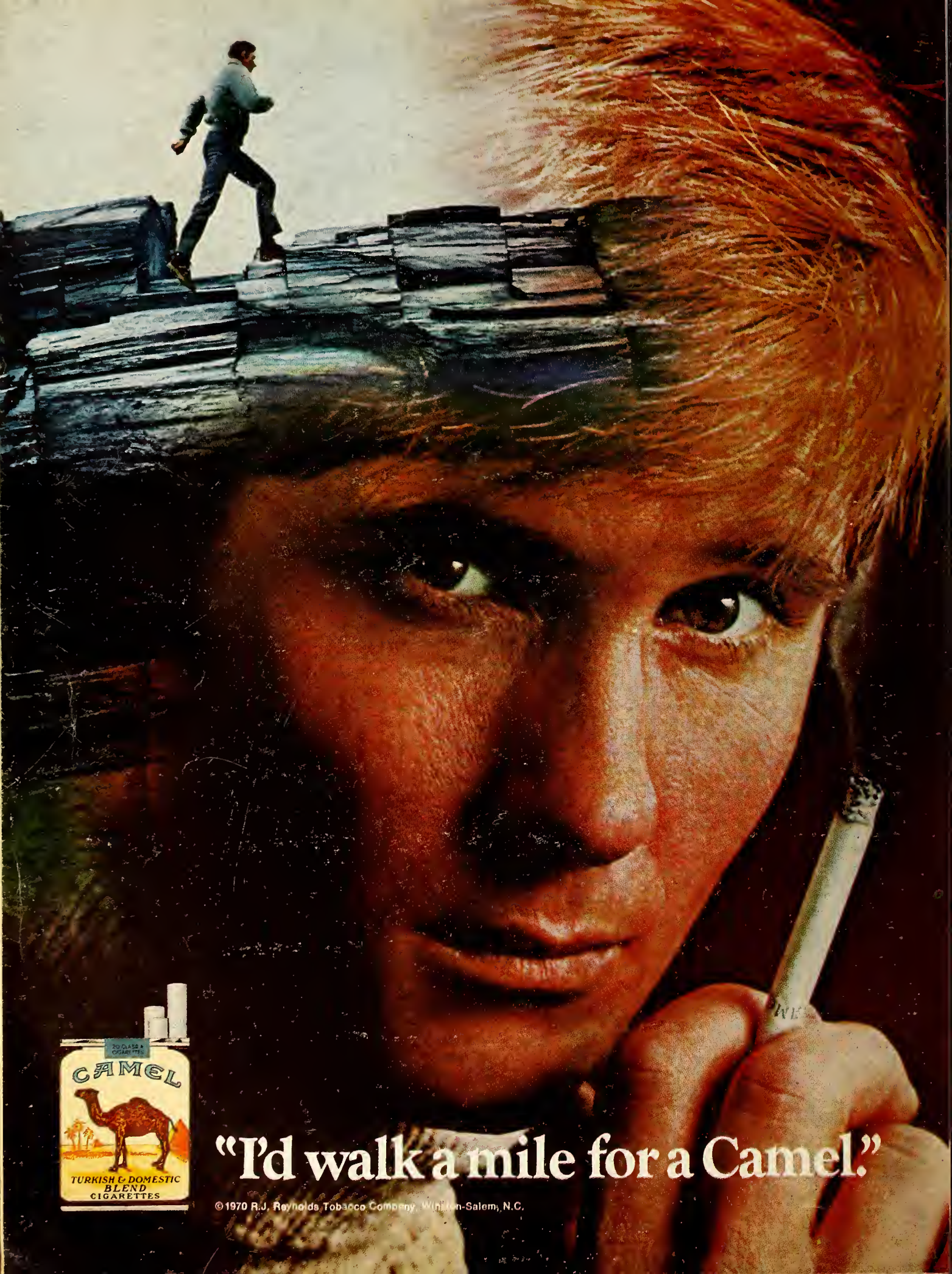
**The better the whiskey. The better the drink.**



**Say Seagram's 7 Crown and Be Sure.**







"I'd walk a mile for a Camel."

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